

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA;"Betsaida Alcantara" [alcantara.betsaida@epa.gov]; Betsaida Alcantara" [alcantara.betsaida@epa.gov]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;"Allyn Brooks-Lasure" [Brooks-lasure.allyn@epa.gov]; Allyn Brooks-Lasure" [Brooks-lasure.allyn@epa.gov]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;"Arvin Ganesan" [ganesan.arvin@epa.gov]; Arvin Ganesan" [ganesan.arvin@epa.gov]; Brendan Gilfillan" [gilfillan.brendan@epa.gov]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;"Seth Oster" [oster.seth@epa.gov]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;"Seth Oster" [oster.seth@epa.gov]; N=Michael Moats/OU=DC/O=USEPA/C=US@EPA;"Seth Oster" [oster.seth@epa.gov]; Seth Oster" [oster.seth@epa.gov]; Bob Sussman" [Sussman.bob@epa.gov]; Lisa Jackson" [windsor.richard@epa.gov]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/7/2009 12:26:27 PM  
**Subject:** Re: WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

And it appears that the announcement did not leak in the dailies over the weekend or this morning.

From: Richard Windsor/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, "Lisa Jackson" <windsor.richard@epa.gov>, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Bob Sussman" <Sussman.bob@epa.gov>, David McIntosh/DC/USEPA/US@EPA, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, Michael Moats/DC/USEPA/US@EPA  
Date: 12/07/2009 07:24 AM  
Subject: Re: WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

Despite the headline, the quotes from the Chamber and EEI are reasonably modulated. That is dues, in large part, to the kind of retail day to day work many of you are doing with these groups. Nice job. Lj

----- Original Message -----

From: Adora Andy  
Sent: 12/06/2009 11:22 PM EST  
To: Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Michael Moats  
Subject: WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs  
DECEMBER 7, 2009

Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

By JEFFREY BALL and CHARLES FORELLE

Officials gather in Copenhagen this week for an international climate summit, but business leaders are focusing even more on Washington, where the Obama administration is expected as early as Monday to formally declare carbon dioxide a dangerous pollutant.

An "endangerment" finding by the Environmental Protection Agency could pave the way for the government to require businesses that emit carbon dioxide and five other greenhouse gases to make costly changes in machinery to reduce emissions -- even if Congress doesn't pass pending climate-change legislation. EPA action to regulate emissions could affect the U.S. economy more directly, and more quickly, than any global deal inked in the Danish capital, where no binding agreement is expected.

Many business groups are opposed to EPA efforts to curb a gas as ubiquitous as carbon dioxide.

An EPA endangerment finding "could result in a top-down command-and-control regime that will choke off growth by adding new mandates to virtually every major construction and renovation project," U.S. Chamber of Commerce President Thomas Donohue said in a statement. "The devil will be in the details, and we look forward to working with the government to ensure we don't stifle our economic recovery," he said, noting that the group supports federal legislation.

Track the rise of carbon dioxide emissions.

Countdown to Copenhagen

Take a look at events leading up to the climate conference.

EPA action won't do much to combat climate change, and "is certain to come at a huge cost to the economy," said the National Association of Manufacturers, a trade group that stands as a proxy for U.S. industry.

Dan Riedinger, spokesman for the Edison Electric Institute, a power-industry trade group, said the EPA would be less likely than Congress to come up with an "economywide approach" to regulating emissions. The power industry prefers such an approach because it would spread the burden of emission cuts to other industries as well.

Electricity generation, transportation and industry represent the three largest sources of U.S. greenhouse-gas emissions.

An EPA spokeswoman declined to comment Sunday on when the agency might finalize its proposed endangerment finding. Congressional Republicans have called on the EPA to withdraw it, saying recently disclosed emails written by scientists at the Climatic Research Unit of the U.K.'s University of East Anglia and their peers call into question the scientific rationale for regulation.

The spokeswoman said that the EPA is confident the basis for its decision will be "very strong," and that when it is published, "we invite the public to review the extensive scientific analysis informing" the decision.

EPA action would give President Barack Obama something to show leaders from other nations when he attends the Copenhagen conference on Dec. 18 and tries to persuade them that the U.S. is serious about cutting its contribution to global greenhouse-gas emissions.

The vast majority of increased greenhouse-gas emissions is expected to come from developing countries such as China and India, not from rich countries like the U.S. But developing countries have made it clear that their willingness to reduce growth in emissions will depend on what rich countries do first. That puts a geopolitical spotlight on the U.S.

At the heart of the fight over whether U.S. emission constraints should come from the EPA or Congress is a high-stakes issue: which industries will have to foot the bill for a climate cleanup. A similar theme will play out in Copenhagen as rich countries wrangle over how much they should have to pay to help the developing world shift to cleaner technologies.

"There is no agreement without money," says Rosário Bento Pais, a top climate negotiator for the European Commission, the European Union's executive arm. "That is clear."

An endangerment finding would allow the EPA to use the federal Clean Air Act to regulate carbon-dioxide emissions, which are produced whenever fossil fuel is burned. Under that law, the EPA could require emitters of as little as 250 tons of carbon dioxide per year to install new technology to curb their emissions starting as soon as 2012.

The EPA has said it will only require permits from big emitters -- facilities that put out 25,000 tons of carbon dioxide a year. But that effort to tailor the regulations to avoid slamming small businesses with new costs is expected to be challenged in court.

Legislators are aware that polls show the public appetite for action that would raise energy prices to protect the environment has fallen precipitously amid the recession.

Congressional legislation also faces plenty of U.S. industry opposition. Under the legislation, which has been passed by the House but is now stuck in the Senate, the federal government would set a cap on the amount of greenhouse gas the economy could emit every year. The government would distribute a set number of emission permits to various industries. Companies that wanted to be able to emit more than their quota could buy extra permits from those that had figured out how to emit less.

Proponents of the cap-and-trade approach say emission-permit trading will encourage industries to find the least-expensive ways to curb greenhouse-gas output. But opponents say it will saddle key industries with high costs not borne by rivals in China or India, and potentially cost the U.S. jobs.

The oil industry has warned that climate legislation could force some U.S. refineries to shut down, because importing gasoline from countries without emission caps could be cheaper than making the gasoline on domestic soil.

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Yet EU industry lobbies are weighing in against that proposal. It is "not realistic," said Axel Eggert, spokesman for Eurofer, the trade group for European steelmakers. Steelmakers want to "make sure that the financing is not a subsidy for our competitors," he said.

-- Ian Talley and Stephen Power contributed  
to this article.

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**Cc:** "Betsaida Alcantara" [alcantara.betsaida@epa.gov]; Allyn Brooks-LaSure" [brooks-lasure.allyn@epa.gov]; Arvin Ganesan" [ganesan.arvin@epa.gov]; Brendan Gilfillan" [gilfillan.brendan@epa.gov]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;"Gina McCarthy" [McCarthy.Gina@epamail.epa.gov]; Gina McCarthy" [McCarthy.Gina@epamail.epa.gov]; David McIntosh" [McIntosh.David@epamail.epa.gov]; Michael Moats" [Moats.Michael@epamail.epa.gov]; Seth Oster" [oster.seth@epa.gov]; Bob Sussman" [sussman.bob@epa.gov]; Diane Thompson" [Thompson.Diane@epamail.epa.gov]; Richard Windsor" [windsor.richard@epa.gov]  
**From:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/7/2009 12:37:41 PM  
**Subject:** Re: WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

From Donohue -- "he noted the group supports federal legislation"

Bob Perciasepe  
US EPA  
Office of the Administrator  
1200 Pennsylvania Ave., ARN  
(o)202 564 2410  
(c) Personal Privacy

From: Adora Andy/DC/USEPA/US  
To: "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, Lisa Heinzerling/DC/USEPA/US@EPA, "Richard Windsor" <windsor.richard@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>  
Date: 12/06/2009 11:22 PM  
Subject: WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

DECEMBER 7, 2009

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-- Ian Talley and Stephen Power contributed

to this article.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Avi Garbow/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/7/2009 2:58:48 PM  
**Subject:** Fw: Cotton Council  
[Cotton Council.doc](#)

LPJ - I'm attaching a thought piece that Avi put together for the call this afternoon on the NCC case. May be worth a quick look if you have time. Scott

----- Forwarded by Scott Fulton/DC/USEPA/US on 12/07/2009 09:55 AM -----

**From:** Personal Privacy  
**To:** Scott Fulton/DC/USEPA/US@EPA  
**Date:** 12/06/2009 08:47 PM  
**Subject:** Cotton Council

Scott,

As we discussed earlier this afternoon, attached are some notes I did at home this weekend re: Cotton Council - this may be helpful to guide the discussion in tomorrow's meeting with the Administrator.

Avi



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/7/2009 6:33:46 PM  
**Subject:** Re: Bob Perciasepe will follow up with Sally E per our conversation. I am off to Copenhagen right after press conference and may miss her.

Lisa

Sally and I will connect today.

Thanks.  
Bob Perciasepe  
Office of the Administrator  
(o)202 564 4711  
(c) Personal Privacy

----- Original Message -----

From: Richard Windsor  
Sent: 12/07/2009 01:27 PM EST  
To: "Ericsson, Sally C." <Personal Privacy>  
Cc: Bob Perciasepe; Diane Thompson  
Subject: RE: Bob Perciasepe will follow up with Sally E per our conversation. I am off to Copenhagen right after press conference and may miss her.  
Bob is wheels up to New Orleans. Assuming it can wait til later or tomorrow . If not, Diane Thompson is around. Tx.

From: "Ericsson, Sally C." <Personal Privacy>  
To: Richard Windsor/DC/USEPA/US@EPA, "Orszag, Peter R." <Personal Privacy>  
Date: 12/07/2009 12:45 PM  
Subject: RE: Bob Perciasepe will follow up with Sally E per our conversation. I am off to Copenhagen right after press conference and may miss her.

Lisa,

I called Bob this morning -- we'll connect today.

Sally

-----Original Message-----

From: Windsor.Richard@epamail.epa.gov  
[mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Monday, December 07, 2009 12:35 PM  
To: Orszag, Peter R.  
Cc: Ericsson, Sally C.  
Subject: Bob Perciasepe will follow up with Sally E per our conversation. I am off to Copenhagen right after press conference and may miss her.



**To:** "Gina McCarthy" [McCarthy.Gina@epamail.epa.gov]; N=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;"Richard Windsor" [windsor.richard@epa.gov];  
Richard Windsor" [windsor.richard@epa.gov]; Bob Perciasepe"  
[Perciasepe.Bob@epamail.epa.gov]; Diane Thompson" [Thompson.Diane@epamail.epa.gov];  
Bob Sussman" [sussman.bob@epa.gov]; David McIntosh" [McIntosh.David@epamail.epa.gov];  
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**Cc:** "Brendan Gilfillan" [gilfillan.brendan@epa.gov]; Betsaida Alcantara"  
[alcantara.betsaida@epa.gov]; Michael Moats" [Moats.Michael@epamail.epa.gov]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/7/2009 7:47:33 PM  
**Subject:** Huffington Post top story

Top story, top of the page. Headline is a photo of a disgusting smole stack. Large headline: "Menace to Society"

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** CN=Brendan Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Shira Sternberg/OU=DC/O=USEPA/C=US@EPA[]; N=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Shira Sternberg/OU=DC/O=USEPA/C=US@EPA[]; N=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Shira Sternberg/OU=DC/O=USEPA/C=US@EPA[]; N=Shira Sternberg/OU=DC/O=USEPA/C=US@EPA[]

**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US

**Sent:** Mon 12/7/2009 9:34:10 PM

**Subject:** ENDANGERMENT ANNOUNCEMENT TALLIES

REPORTERS ON TELEPHONE:  
58

NUMBER OF PEOPLE STREAMING ON EPA.GOV:  
2445

REPORTERS AT THE PRESS CONFERENCE:  
Over 30 media outlets, including 13 TV cameras

COMMENTS ON FACEBOOK:  
33 so far

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/7/2009 10:26:20 PM  
**Subject:** Re: ENDANGERMENT ANNOUNCEMENT TALLIES

add to that: 5000 following us on twitter. :)

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
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andy.adora@epa.gov

**From:** Richard Windsor/DC/USEPA/US  
**To:** Adora Andy/DC/USEPA/US@EPA  
**Date:** 12/07/2009 05:10 PM  
**Subject:** Re: ENDANGERMENT ANNOUNCEMENT TALLIES

Wow!

----- Original Message -----

**From:** Adora Andy  
**Sent:** 12/07/2009 04:34 PM EST  
**To:** Richard Windsor; Seth Oster; Allyn Brooks-LaSure; Bob Perciasepe; Diane Thompson; Bob Sussman; Gina McCarthy; Lisa Heinzerling; Stephanie Owens  
**Cc:** Brendan Gilfillan; Betsaida Alcantara; Michael Moats; Shira Sternberg  
**Subject:** ENDANGERMENT ANNOUNCEMENT TALLIES  
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**To:** CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Betsaida  
Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brendan  
Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael  
Moats/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Betsaida Alcantara/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brendan  
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Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Brendan  
Gilfillan/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael  
Moats/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
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Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael  
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Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth



Oster/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Michael  
Moats/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
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N=Michael Moats/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
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Oster/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie Owens/OU=DC/O=USEPA/C=US@EPA[];  
N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Stephanie  
Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Stephanie  
Owens/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Shira Sternberg/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/7/2009 11:22:34 PM  
**Subject:** Re: ENDANGERMENT ANNOUNCEMENT TALLIES

OPO numbers

Stakeholders in Press Conference: 14

Stakeholders in Briefing: 26

Stakeholders on call: 18

Shira Sternberg  
sternberg.shira@epa.gov  
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202-564-0467 (office)

**From:** Adora Andy/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
**Cc:** Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Shira Sternberg/DC/USEPA/US@EPA  
**Date:** 12/07/2009 04:34 PM  
**Subject:** ENDANGERMENT ANNOUNCEMENT TALLIES

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Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
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**To:** CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Betsaida Alcantara" [alcantara.betsaida@epa.gov]; Allyn Brooks-LaSure" [brooks-lasure.allyn@epa.gov]; Arvin Ganesan" [ganesan.arvin@epa.gov]; Cynthia Giles-AA" [Giles-AA.Cynthia@epamail.epa.gov]; Brendan Gilfillan" [gilfillan.brendan@epa.gov]; David McIntosh" [McIntosh.David@epamail.epa.gov]; Michael Moats" [Moats.Michael@epamail.epa.gov]; Seth Oster" [oster.seth@epa.gov]; Bob Perciasepe" [Perciasepe.Bob@epamail.epa.gov]; Peter Silva" [Silva.Peter@epamail.epa.gov]; Bob Sussman" [sussman.bob@epa.gov]; Diane Thompson" [Thompson.Diane@epamail.epa.gov]; Richard Windsor" [windsor.richard@epa.gov]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/8/2009 2:09:58 AM  
**Subject:** Re: NYT: Millions in U.S. Drink Contaminated Water, Records Show

This article is probably a blueprint of the line of questioning Boxer will use in tomorrow's hearing. The quote below, specifically, will likely be used. In response to any questions along this line, I recommend responding with **Deliberative**

## Deliberative

The quote below:

"The same people who told us to ignore Safe Drinking Water Act violations are still running the divisions," said one mid-level E.P.A. official. "There's no accountability, and so nothing's going to change."

-----  
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**From:** Adora Andy/DC/USEPA/US  
**To:** "Cynthia Giles-AA" <Giles-AA.Cynthia@epamail.epa.gov>, "Peter Silva" <Silva.Peter@epamail.epa.gov>, "Richard Windsor" <windsor.richard@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>  
**Cc:** "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>  
**Date:** 12/07/2009 08:29 PM  
**Subject:** NYT: Millions in U.S. Drink Contaminated Water, Records Show

Millions in U.S. Drink Contaminated Water, Records Show

By CHARLES DUHIGG  
Published: December 08, 2009

More than 20 percent of the nation's water treatment systems have violated key provisions of the Safe Drinking Water Act over the last five years, according to a New York Times analysis of federal data.

That law requires communities to deliver safe tap water to local residents. But since 2004, the water provided to more than 49 million people has contained illegal concentrations of chemicals like arsenic or radioactive substances like uranium, as well as dangerous bacteria often found in sewage.

Regulators were informed of each of those violations as they occurred. But regulatory records show that fewer than 6 percent of the water systems that broke the law were ever fined or punished by state or federal officials, including those at the Environmental Protection Agency, which has ultimate responsibility for enforcing standards.

Studies indicate that drinking water contaminants are linked to millions of instances of illness within the United States each year.

In some instances, drinking water violations were one-time events, and probably posed little risk. But for hundreds of other systems, illegal contamination persisted for years, records show.

On Tuesday, the Senate Environment and Public Works committee will question a high-ranking E.P.A. official about the agency's enforcement of drinking-water safety laws. The E.P.A. is expected to announce a new policy for how it polices the nation's 54,700 water systems.

"This administration has made it clear that clean water is a top priority," said an E.P.A. spokeswoman, Adora Andy, in response to questions regarding the agency's drinking water enforcement. The E.P.A. administrator, Lisa P. Jackson, this year announced a wide-ranging overhaul of enforcement of the Clean Water Act, which regulates pollution into waterways.

"The previous eight years provide a perfect example of what happens when political leadership fails to act to protect our health and the environment," Ms. Andy added.

Water pollution has become a growing concern for some lawmakers as government oversight of polluters has waned. Senator Barbara Boxer, Democrat of California, in 2007 asked the E.P.A. for data on Americans' exposure to some contaminants in drinking water.

The New York Times has compiled and analyzed millions of records from water systems and regulators around the nation, as part of a series of articles about worsening pollution in American waters, and regulators' response.

An analysis of E.P.A. data shows that Safe Drinking Water Act violations have occurred in parts of every state. In Ramsey, N.J., for instance, drinking water tests since 2004 have detected illegal concentrations of arsenic, a carcinogen, and the dry cleaning solvent tetrachloroethylene, which has also been linked to cancer.

In New York state, 205 water systems have broken the law by delivering tap water that contained illegal amounts of bacteria since 2004.

However, almost none of those systems were ever punished. Ramsey was not fined for its water violations, for example, though a Ramsey official said that filtration systems have been installed since then. In New York, only three water systems were penalized for bacteria violations, according to federal data.

The problem, say current and former government officials, is that enforcing the Safe Drinking Water Act has not been a federal priority.

"There is significant reluctance within the E.P.A. and Justice Department to bring actions against municipalities, because there's a view that they are often cash-strapped, and fines would ultimately be paid by local taxpayers," said David Uhlmann, who headed the environmental crimes division at the Justice Department until 2007.

"But some systems won't come into compliance unless they are forced to," added Mr. Uhlmann, who now teaches at the University of Michigan law school. "And sometimes a court order is the only way to get local governments to spend what is needed."

A half-dozen current and former E.P.A. officials said in interviews that they tried to prod the agency to enforce the drinking-water law, but found little support.

"I proposed drinking water cases, but they got shut down so fast that I've pretty much stopped even looking at the violations," said one long-time E.P.A. enforcement official who, like others, requested anonymity for fear of reprisals. "The top people want big headlines and million-dollar settlements. That's not drinking-water cases."

The majority of drinking water violations since 2004 have occurred at water systems serving fewer than 20,000 residents, where resources and managerial expertise are often in short supply.

It is unclear precisely how many American illnesses are linked to contaminated drinking water. Many of the most dangerous contaminants regulated by the Safe Drinking Water Act have been tied to diseases like cancer that can take years to develop.

But scientific research indicates that as many as 19 million Americans may become ill each year due to just the parasites, viruses and bacteria in drinking water. Certain types of cancer - such as breast and prostate cancer - have risen over the past 30 years, and research indicates they are likely tied to pollutants like those found in drinking water.

The violations counted by the Times analysis include only situations where residents were exposed to dangerous contaminants, and exclude violations that involved paperwork or other minor problems.

In response to inquiries submitted by Senator Boxer, the E.P.A. has reported that more than 3 million Americans have been exposed since 2005 to drinking water with illegal concentrations of arsenic and radioactive elements, both of which have been linked to cancer at small doses.

In some areas, the amount of radium detected in drinking water was 2,000 percent higher than the legal limit, according to E.P.A. data.

But federal regulators fined or punished fewer than 8 percent of water systems that violated the arsenic and radioactive standards. The E.P.A., in a statement, said that in a majority of situations, state regulators used informal methods - like providing technical assistance - to help systems that had violated the rules.

But many systems remained out of compliance, even after aid was offered, according to E.P.A. data. And for over a quarter of systems that violated the arsenic or radioactivity standards, there is no record that they were ever contacted by a regulator, even after they sent in paperwork revealing their violations.

Those figures are particularly worrisome, say researchers, because the Safe Drinking Water Act's limits on arsenic are so weak to begin with. A system could deliver tap water that puts residents at a 1-in-600 risk of developing bladder cancer from arsenic, and still comply with the law.

Despite the expected announcement of reforms, some mid-level E.P.A. regulators say they are skeptical that any change will occur.

"The same people who told us to ignore Safe Drinking Water Act violations are still running the divisions," said one mid-level E.P.A. official. "There's no accountability, and so nothing's going to change."

Griffin Palmer contributed reporting.

**To:** "Lisa Jackson" [windsor.richard@epa.gov]  
**Cc:** CN=David McIntosh/OU=DC/O=USEPA/C=US;"Michelle DePass"  
[DePass.Michelle@epamail.epa.gov]; Michelle DePass" [DePass.Michelle@epamail.epa.gov];  
Shalini Vajjhala" [vajjhala.shalini@epa.gov]  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/8/2009 9:20:09 AM  
**Subject:** A selection of Quotes from Both Sides of the Endangerment Issue

Emily Figdor, director for Environment America's federal global-warming program. "This is the most significant step the federal government has taken on global warming. The stage is now set for [the] EPA to hold the biggest global-warming polluters accountable."

Senate Minority Leader Mitch McConnell (R., Ky.)

"With double-digit unemployment and over 3.5 million jobs already lost this year, the administration inexplicably continues to push for a job-killing national energy tax—either through legislation or regulation."

Dan Riedinger, a spokesman for the utility industry group Edison Electric Institute, pointed to cost predictions for federal legislation as a guide to the cost. Estimates for legislation vary between \$100 a year to \$1,000 a year extra for families, and such legislation is specially designed to moderate costs. "The only certainty is that EPA regulation would be far more expensive than congressional-designed legislation."

Jeff Holmstead, a former EPA air administrator under the George W. Bush administration and now head of the Bracewell & Giuliani Environmental Strategies Group -- this is the first time the agency has ever made a standalone endangerment finding. He thinks it was a political decision. "It's clearly designed to set the stage for the Copenhagen conference,"

Kevin Book, managing director at ClearView Energy Partners -- "The administration appears to be playing for keeps here,"

U.S. Chamber of Commerce President and CEO Thomas J. Donohue -- "An endangerment finding from the EPA could result in a top-down command-and-control regime that will choke off growth by adding new mandates to virtually every major construction and renovation project. The devil will be in the details, and we look forward to working with the government to ensure we don't stifle our economic recovery."

American Petroleum Institute President Jack Gerard -- "This action poses a threat to every American family and business if it leads to regulation of greenhouse gases under the Clean Air Act. Such regulation would be intrusive, inefficient, and excessively costly. It could chill job growth and delay business expansion."

House Minority Leader Rep. John Boehner -- said EPA's announcement is a misguided preamble to what he believes is ahead --:"Today's EPA announcement paves the way for Washington Democrats' 'cap-and-trade' national energy tax, a bureaucratic nightmare that would make households, small businesses and family farms pay higher prices for electricity, gasoline, food and virtually every product made in America. One independent analysis determined that this national energy tax would cost our economy millions of

jobs each year for the foreseeable future. What's more, the timing of this announcement is yet another indication President Obama is preparing to unilaterally commit the United States to mandatory emissions cuts at the UN Climate Change Conference in Copenhagen. If the President truly believes these job-killing mandates are in the nation's best interests, he should slow down and first seek the advice and consent of the people's elected representatives.



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Allyn Brooks-Lasure" [Brooks-lasure.allyn@epa.gov]; David McIntosh" [mcintosh.david@epa.gov]; Seth Oster" [oster.seth@epa.gov]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/8/2009 3:24:20 PM  
**Subject:** Re: Boston Globe: Finally, US leads on environment

amen!

Adora Andy  
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From: Richard Windsor/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Cc: "Seth Oster" <oster.seth@epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>  
Date: 12/08/2009 10:22 AM  
Subject: Re: Boston Globe: Finally, US leads on environment

Coo-ooo!

----- Original Message -----

From: Adora Andy  
Sent: 12/08/2009 10:17 AM EST  
To: Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Subject: Boston Globe: Finally, US leads on environment  
Finally, US leads on environment

By Derrick Z. Jackson | December 8, 2009

IN A CRITICAL demonstration of backbone on global warming, the Obama administration yesterday declared carbon dioxide a dangerous pollutant. Saying the country "will not ignore science and the law any longer," Lisa Jackson, the administrator of the Environmental Protection Agency, said her findings and declaration "cement 2009's place in history as the year when the United States government began addressing the challenge of greenhouse gas pollution." In a news briefing, Jackson rattled off the predicted effects of unabated climate change, based on "overwhelming amounts of scientific study." The effects range from melting polar ice caps to droughts and from disease to hotspots for military conflict. Her ruling covered six top contributing gases to climate change. Other gases included methane, nitrous oxide, and hydrofluorocarbons. "We know that skeptics have and will continue to try to sow doubts about the science," Jackson said. "It's no wonder that many people are confused. But raising doubts - even in the face of overwhelming evidence - is a tactic that has been used by defenders of the status quo for

years. . . . It's time that we let the science speak for itself." After the briefing, Jackson flew to Copenhagen, where she will be the first of several administration officials to address the international climate change summit. The last official will be President Obama on Dec. 18. The fact that the EPA administrator and the president are the two American bookends at Copenhagen is the strongest signal yet of a new American attitude on the environment. Still, the summit does not have a global agreement to reduce greenhouse gas emissions. American business lobbyists and fossil fuel-state politicians have thus far kept federal climate change legislation from getting out of the Senate. The United States, about 6 percent of the world's population, consumes about a quarter of the world's energy and in turn is responsible for a quarter of world's greenhouse gases. This cloud is a hangover from the Bush administration, going back to when EPA Administrator Christine Todd Whitman issued a report in 2002 saying that human activities were responsible for the greenhouse gases of global warming. President Bush brushed off the report as an irrelevant document "put out by the bureaucracy." Whitman later resigned. America became a global pariah in environmental circles. With the EPA now fully in command of the message of a more well-intended administration, there is hope that the Copenhagen summit, whether it does or does not itself end with a binding agreement, will be a springboard, not a dead end. Jackson's command of the message was on display last week in a Senate environmental hearing. For several minutes, she was badgered by the Senate's leading disbeliever of global warming, Republican James Inhofe of Oklahoma. Inhofe tried to play up the recent story of e-mails showing the process of how scientists have debated, in some cases unprofessionally, the findings of climate change. Jackson responded by saying, "While I would absolutely agree that these e-mails show a lack of interpersonal skills . . . I have not heard anything that causes me to believe that [the] overwhelming consensus that climate change is happening and that man-made emissions are contributing to it, have changed." When Inhofe pressed for Jackson to delay her endangerment finding, Jackson stood firm and said, "Senator, I believe that what we should be looking for are any changes in the consensus opinion of scientists around the world about climate change." Having seen no changes, Jackson officially announced that the gases do endanger us. Congress now has a clock ticking on regulations, with Jackson herself saying the nation would be better served by congressional legislation beyond the powers of the EPA. Obama now has leverage with other large polluting nations, leading by a fresh, unprecedented example at home. One of the high points of the early Obama administration has been letting Jackson deliver the president's message. Now Obama needs to deliver it himself

**To:** "Lisa Jackson" [windsor.richard@epa.gov]  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/8/2009 3:33:13 PM  
**Subject:** Fw: NYT: THE ENDANGERMENT FINDING

Wow. Semple.....congrats, Lisa.

----- Original Message -----

From: Adora Andy  
Sent: 12/08/2009 10:23 AM EST  
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; Seth Oster; Allyn Brooks-LaSure; David McIntosh; Arvin Ganesan; Gina McCarthy; Lisa Heinzerling  
Cc: Brendan Gilfillan; Betsaida Alcantara; Michael Moats  
Subject: NYT: THE ENDANGERMENT FINDING

NEW YORK TIMES

December 8, 2009

Editorial

The Endangerment Finding

The Environmental Protection Agency formally declared on Monday that carbon dioxide and other greenhouse gases constitute a threat to human health and welfare. The move empowers the agency to regulate these emissions and gives President Obama an important tool if Congress fails to pass legislation to reduce global warming emissions.

Mr. Obama and the E.P.A. administrator, Lisa Jackson, have said repeatedly that they would much prefer a comprehensive legislative approach. But while the House has passed a broad climate change bill, the prospects in the Senate are uncertain. The threat of regulation gives Congress extra incentive to act; regulation would provide a strong backstop if it does not.

The E.P.A.'s declaration — known as an "endangerment finding" — is a necessary precondition under the Clean Air Act to regulatory action. Earlier this year, the administration proposed new rules limiting greenhouse gas emissions from cars and light trucks. Those rules, which have been broadly accepted by industry and will be accompanied by big increases in fuel-economy standards, will now be finalized.

The finding also allows the E.P.A. to regulate emissions from stationary sources including power plants, refineries and factories. So far, Ms. Jackson has offered no specific proposals — though she is working on them — beyond a "tailoring rule" that would limit any new regulations to big operations that produce 25,000 tons or more a year of carbon emissions.

Even so, the mere prospect of regulation has inspired something approaching panic, with industry groups like the Chamber of Commerce railing against "top-down, command-and-control" regulation. The House, in an otherwise admirable climate change bill, included a provision restricting the E.P.A.'s authority to control emissions.

This is utterly wrongheaded. The Supreme Court ruled two years ago that the E.P.A. has clear authority under the Clean Air Act to regulate greenhouse gases. It should be retained as both a goad and a backstop.

There is one obvious way to keep the E.P.A. from having to use this authority on a broad scale. And that is for Congress to pass a credible and comprehensive bill requiring economywide cuts in emissions.

No one would be cheering louder than Ms. Jackson, who has neither the resources nor the ambition to regulate what would amount to 70 percent of the American economy. If Congress fails to act, she will have no choice.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715

andy.adora@epa.gov

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/8/2009 4:25:25 PM  
**Subject:** Fw: EMBARGOED: Remarks of President Obama on Job Creation and Economic Growth

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 12/08/2009 11:25 AM -----

From: "Milakofsky, Benjamin E." <[Personal Privacy]>  
To: "Lu, Christopher P." <[Personal Privacy]>, "Smith, Elizabeth S." <[Personal Privacy]>, "Kimball, Astri B." <[Personal Privacy]>, "French, Michael J." <[Personal Privacy]>, "Greenawalt, Andrei M." <[Personal Privacy]>, "Taylor, Adam R." <[Personal Privacy]>, "Milakofsky, Benjamin E." <[Personal Privacy]>  
Date: 12/08/2009 11:12 AM  
Subject: EMBARGOED: Remarks of President Obama on Job Creation and Economic Growth

Dear Chiefs of Staff:

Please see the below text of the President's speech on job creation and economic growth.

--Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

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EMBARGOED UNTIL DELIVERY  
December 8, 2009

Remarks of President Barack Obama – As Prepared for Delivery  
Job Creation and Economic Growth  
Tuesday, December 8, 2009  
Brookings Institution  
Washington, DC

Almost exactly one year ago, on a cold winter's day, I met with my new economic team at the headquarters of my presidential transition offices in Chicago. Over the course of four hours, my advisors presented an analysis of where the economy stood, accompanied by a chilling set of charts and graphs, predicting where we might end up. It was an unforgettable series of presentations.

Christy Romer, tapped to head the Council of Economic Advisers, and Larry Summers, who I'd chosen to head the National Economic Council, described an imminent downturn comparable in its severity to almost nothing since the 1930s. Tim Geithner, my incoming Treasury Secretary, reported that the financial system, shaken by the subprime crisis, had halted almost all lending, which in turn threatened to pull the broader economy into a downward spiral. And Peter Orszag, my incoming Budget Director, closed out the proceedings with an entirely dismal report on the fiscal health of the country, with growing deficits and debt stretching to the horizon. Having concluded that it was too late to request a recount, I tasked my team with mapping out a plan to tackle the crisis on all fronts.

It was not long after that meeting, as we shaped this economic plan, that we began to see these forecasts materialize. Over the previous year, it was obvious that folks were facing hard times. As I traveled across the country during a long campaign, I often met men and women bearing the brunt of not only a deepening recession, but also years – even decades – of growing strains on middle class families. But now the country was experiencing something far worse. Our Gross Domestic Product – the sum total of all that our economy produces – fell at the fastest rate in a quarter century. \$5 trillion of Americans' household wealth evaporated in just twelve weeks as stocks, pensions, and home values plummeted. We were losing an average of 700,000 jobs each month, equivalent to the population of the state of Vermont. The fear among economists across the political spectrum was that we were rapidly plummeting toward a second Great Depression.

So, in the weeks and months that followed, we undertook a series of difficult steps to prevent that outcome. And we were forced to take those steps largely without the help of an opposition party which, unfortunately, after having presided over the decision-making that led to the crisis, decided to hand it over to others to solve.

We acted to get lending flowing again so businesses could get loans to buy equipment and ordinary Americans could get financing to buy homes and cars, to go to college, and to start or run businesses. We enacted measures to stem the tide of foreclosures in our housing market, helping responsible homeowners stay in their homes and helping to stop the broader decline in home values which was eating away at what tends to be a family's largest asset. To achieve this, and to prevent an economic collapse, we were forced to extend assistance to some of the very banks and financial institutions whose actions had helped precipitate the turmoil. We also took steps to prevent the rapid dissolution of the American auto industry, which faced a crisis partly of its own making, to prevent the loss of hundreds of thousands of jobs during an already fragile time. These were not decisions that were popular or satisfying; these were decisions that were necessary.

Now, even as we worked to address the crises in our banking sector, in our housing market, and in our auto industry, we also began attacking our economic crisis on a broader front. Less than one month after taking office we enacted the most sweeping economic recovery package in history: The American Recovery and Reinvestment Act. The Recovery Act was divided into three parts. One-third went for tax relief for small businesses and 95 percent of working families.

Another third was for emergency relief to help folks who've borne the brunt of this recession. We extended or increased unemployment benefits for more than 17 million Americans; made health insurance 65 percent cheaper for families relying on COBRA; and for state and local governments facing historic budget shortfalls as demand for services went up and tax revenues went down, we provided assistance that has saved the jobs of hundreds of thousands of teachers and public school workers, firefighters and police officers.

The last third is for investments to put Americans to work doing the work America needs done: doubling our capacity in renewable energy like wind and solar; computerizing medical records to save money and lives; providing the largest boost to medical research in history; renovating classrooms and school laboratories; and upgrading roads and railways as part of the largest investment in infrastructure since the creation of the Interstate Highway System half a century ago.

And even as the Recovery Act has created jobs and spurred growth, we have not let up in our efforts to take every responsible action to get the economy growing and America working. This fall, I signed into law more than \$30

billion in tax cuts for struggling businesses, extended an effective tax credit for homebuyers, and provided additional unemployment insurance for one million Americans. And the Treasury is continuing to adapt our financial stability plan, helping to facilitate the flow of credit to small businesses and families. In addition, we are working to break down barriers and open overseas markets so our companies can better compete globally, creating jobs in America by exporting our products around the world.

Partly as a result of these and other steps, we're in a very different place today than we were a year ago. We can safely say that we are no longer facing the potential collapse of our financial system and we've avoided the depression many feared. Our economy is growing for the first time in a year – and the swing from contraction to expansion since the beginning of the year is the largest in nearly three decades. Finally, we are no longer seeing the severe deterioration in the job market we once were; in fact we learned on Friday that the unemployment rate fell slightly last month. This is welcome news, and news made possible in part by the up to 1.6 million jobs that the Recovery Act has already created and saved according to the Congressional Budget Office.

But our work is far from done. For even though we have reduced the deluge of job losses to a relative trickle, we are not yet creating jobs at a pace to help all those families who have been swept up in the flood. There are more than seven million fewer Americans with jobs today than when this recession began. That's a staggering figure and one that reflects not only the depths of the hole from which we must ascend, but also a continuing human tragedy. And it speaks to an urgent need to accelerate job growth in the short term while laying a new foundation for lasting economic growth.

My economic team has been considering a full range of additional ideas to help accelerate the pace of private sector hiring. We held a jobs forum at the White House that brought together small business owners, CEOs, union members, economists, folks from non-profits, and state and local officials to talk about job creation. And I've asked people to lead forums in their own communities – sending the results to me – so we are hearing as many voices as possible as we refine our proposals. We've already heard a number of good ideas, and I know we'll learn of many more.

Today, I want to outline some of the broader steps that I believe should be at the heart of our efforts to accelerate job growth – those areas that will generate the greatest number of jobs while generating the greatest value for our economy.

First, we're proposing a series of steps to help small businesses grow and hire new staff. Over the past fifteen years, small businesses have created roughly 65 percent of all new jobs in America. These are companies formed around kitchen tables in family meetings, formed when an entrepreneur takes a chance on a dream, formed when a worker decides its time she became her own boss. These are also companies that drive innovation, producing thirteen times more patents per employee than large companies. And, it's worth remembering, every once in a while a small business becomes a big business – and changes the world.

That's why it is so important that we help small business struggling to open, or stay open, during these difficult times. Building on the tax cuts in the Recovery Act, we're proposing a complete elimination of capital gains taxes on small business investment along with an extension of write-offs to encourage small businesses to expand in the coming year. And I believe it's worthwhile to create a tax incentive to encourage small businesses to add and keep employees and I'm going to work with Congress to pass one.

These steps will help, but we also have to address the continuing struggle of small businesses to get the loans they need to start up and grow. To that end, we're proposing to waive fees and increase the guarantees for SBA-backed loans. And I am asking my Treasury Secretary to continue mobilizing the remaining TARP funds to facilitate lending to small businesses.

Second, we're proposing a boost in investment in the nation's infrastructure beyond what was included in the Recovery Act, to continue modernizing our transportation and communications networks. These are needed public works that engage private sector companies, spurring hiring across the country. Already, more than 10,000 of

these projects have been funded through the Recovery Act. And by design, Recovery Act work on roads, bridges, water systems, Superfund sites, broadband networks, and clean energy projects will all be ramping up in the months ahead. It was planned this way for two reasons: so the impact would be felt over a two year period; and, more importantly, because we wanted to do this right. The potential for abuse in a program of this magnitude, while operating at such a fast pace, was enormous. So I asked Vice President Biden and others to make sure – to the extent humanly possible – that the investments were sound, the projects worthy, and the execution efficient. What this means is that we’re going to see even more work – and workers – on Recovery projects in the next six months than we saw in the last six months.

Even so, there are many more worthy projects than there were dollars to fund them. I recognize that by their nature these projects often take time, and will therefore create jobs over time. But the need for jobs will also last beyond next year and the benefits of these investments will last years beyond that. So adding to this initiative to rebuild America’s infrastructure is the right thing to do.

Third, I’m calling on Congress to consider a new program to provide incentives for consumers who retrofit their homes to become more energy efficient, which we know creates jobs, saves money for families, and reduces the pollution that threatens our environment. And I’m proposing that we expand select Recovery Act initiatives to promote energy efficiency and clean energy jobs which have proven particularly popular and effective. It’s a positive sign that many of these programs drew so many applicants for funding that a lot of strong proposals – proposals that will leverage private capital and create jobs quickly – did not make the cut. With additional resources, in areas like advanced manufacturing of wind turbines and solar panels, for instance, we can help turn good ideas into good private-sector jobs.

Finally, as we are moving forward in these areas, we should also extend the relief in the Recovery Act, including emergency assistance to seniors, unemployment insurance benefits, COBRA, and relief to states and localities to prevent layoffs. This will help folks weathering these storms while boosting consumer spending and promoting jobs.

Of course, there is only so much government can do. Job creation will ultimately depend on the real job creators: businesses across America. But government can help lay the groundwork on which the private sector can better generate jobs, growth, and innovation. After all, small business tax relief is not a substitute for the ingenuity and industriousness of our entrepreneurs; but it can help those with good ideas to grow and expand. Incentives to promote energy efficiency and clean energy manufacturing do not automatically create jobs or lower carbon emissions; but these steps provide a framework in which companies can compete and innovate to create those jobs and reduce energy consumption. And while modernizing the physical and virtual networks that connect us will create private-sector jobs, they’ll do so while making it possible for companies to more easily and effectively move their products across this country and around the world.

Given the challenge of accelerating the pace of hiring in the private sector, these targeted initiatives are right and they are needed. But with a fiscal crisis to match our economic crisis, we also must be prudent about how we fund it. So to help support these efforts, we’re going to wind down the Troubled Asset Relief Program, or TARP – the fund created to stabilize the financial system so banks would lend again.

There has rarely been a less loved or more necessary emergency program than TARP, which – as galling as the assistance to banks may have been – indisputably helped prevent a collapse of the entire financial system. Launched hastily under the last administration, the TARP program was flawed, and we have worked hard to correct those flaws and manage it properly. And today, TARP has served its original purpose and at a much lower cost than we expected.

In fact, because of our stewardship of this program, and the transparency and accountability we put in place, TARP is expected to cost the taxpayer at least \$200 billion less than what was anticipated just this summer. And the assistance to banks, once thought to cost the taxpayers untold billions, is on track to actually reap billions in profit for the taxpaying public. This gives us a chance to pay down the deficit faster than we thought possible and to shift



funds that would have gone to help the banks on Wall Street to help create jobs on Main Street.

Small business, infrastructure, clean energy: these are areas in which we can put Americans to work while putting our nation on a sturdier economic footing. That foundation for sustained economic growth must be our continuing focus and our ultimate goal. For even before this period crisis, much of our growth had been fueled by unsustainable consumer debt and reckless financial speculation, while we ignored the fundamental challenges that hold the key to our economic prosperity. We cannot simply go back to the way things used to be. We cannot go back to an economy that yielded cycle after cycle of speculative booms and painful busts. We cannot continue to accept an education system in which our students trail their peers in other countries, and a health care system in which exploding costs put our businesses at a competitive disadvantage. And we cannot continue to ignore the clean energy challenge or cede global leadership in the emerging industries of the 21st century. That's why, as we strive to meet the crisis of the moment, we are laying a new foundation for the future.

Because an educated workforce is essential in a 21st century global economy, we've launched a competitive Race to the Top fund through the Recovery Act to reform our schools and raise achievement, especially in math and science. And we've made college more affordable, proposed an historic set of reforms and investments in community college, and set a goal of once again leading the world in producing college graduates by 2020.

Because even the best trained workers in the world can't compete if our businesses are saddled with rapidly increasing health care costs, we're fighting to do what we have discussed in this country for generations: finally reforming our nation's broken health insurance system and relieving this unsustainable burden.

Because our economic future depends on a financial system that encourages sound investments, honest dealings, and long-term growth, we've proposed the most ambitious financial reforms since the Great Depression. We'll set and enforce clear rules of the road, close loopholes in oversight, charge a new agency with protecting consumers, and address the dangerous, systemic risks that brought us to the brink of disaster. These reforms are moving through Congress, we're working to keep those reforms strong, and I look forward to signing them into law.

And because our economic future depends on our leadership in the industries of the future, we are investing in basic and applied research, and working to create the incentives to build a new clean energy economy. For we know the nation that leads in clean energy will be the nation that leads the world. I want America to be that nation. I want America's prosperity to be powered by what we invent and pioneer – not just what we borrow and consume. And I know that we can and will be that nation, if we are willing to do what it takes to get there.

There are those who claim we have to choose between paying down our deficits on the one hand, and investing in job creation and economic growth on the other. But this is a false choice. Ensuring that economic growth and job creation are strong and sustained is critical to ensuring that we are increasing revenues and decreasing spending on things like unemployment so that our deficits will start coming down. At the same time, instilling confidence in our commitment to being fiscally prudent gives the private sector the confidence to make long-term investments in our people and on our shores.

One of the central goals of this administration is restoring fiscal responsibility. Even as we have had to spend our way out of this recession in the near term, we have begun to make the hard choices necessary to get our country on a more stable fiscal footing in the long run. Despite what some have claimed, the cost of the Recovery Act is only a very small part of our current budget imbalance. In reality, the deficit had been building dramatically over the previous eight years. Folks passed tax cuts and expensive entitlement programs without paying for any of it – even as health care costs kept rising, year after year. As a result, the deficit had reached \$1.3 trillion when we walked into the White House. And I'd note: these budget busting tax cuts and spending programs were approved by many of the same people who are now waxing political about fiscal responsibility while opposing our efforts to reduce deficits by getting health care costs under control. It's a sight to see.

The fact is, we have refused to go along with business as usual; we're taking responsibility for every dollar we spend. We've done what some said was impossible: preventing wasteful spending on outdated weapons systems

that even the Pentagon said it didn't want. We've combed the budget, cutting waste and excess wherever we could. I'm still committed to halving the deficit we inherited by the end of my first term. And I made clear from day one that I would not sign a health insurance reform bill if it raised the deficit by one dime – and neither the House nor Senate bill does. We have begun to not only change policies but also to change the culture in Washington.

In the end, the economic crisis of the past year was not just the result of weaknesses in our economy. It was also the result of weaknesses in our political system. For decades, too many in Washington put off hard decisions. For decades, we've watched as efforts to solve tough problems have fallen prey to the bitterness of partisanship, to the prosaic concerns of politics, to ever-quickenening news cycles, and to endless campaigns focused on scoring points instead of meeting our common challenges.

We have seen the consequences of this failure of responsibility. The American people have paid a heavy price. And the question we'll have to answer now is if we are going to learn from our past, or if – even in the aftermath of disaster – we are going to repeat it. As the alarm bells fade, and the din of Washington rises, as the forces of the status quo marshal their resources, we can be sure that answering this question will be a fight to the finish. But I have every hope and expectation that we can rise to this moment, that we can transcend the failures of the past, that we can once again take responsibility for our future.

Almost every night, I read letters and emails sent to me from folks across America – people who share their hopes and their hardships, their faith in this country and their frustrations with what's happened in this economy. I hear from small business owners worried about making payroll and keeping their doors open. I hear from mothers and fathers, sons and daughters, who have seen one or two or more family members out of work. The toughest letters are in children's handwriting: kids who can't just be kids because they're worried after mom had her hours cut or dad lost his job and with it the family's health insurance. These folks aren't looking for a hand out. They're not looking for a bail out. They're hoping for a chance to make their own way, to work, to succeed using their talents and skills. All they're looking for from Washington is a seriousness of purpose that matches the reality of their struggle.

Everywhere I've gone, every stop I've made, there are people like this, men and women who have faced misfortune, but who stand ready to build a better future. There are students ready to learn. Workers eager to work. Scientists on the brink of discovery. There are entrepreneurs seeking the chance to open a small business. And once-shuttered factories just waiting to whirl back to life in burgeoning industries. There is a nation ready to meet the challenges of this new age and to lead the world in this new century. And as we look back on the progress of the past year, and look forward to the work ahead, I have every confidence that we will do exactly that.

These have been a tough two years. And there will no doubt be difficult months ahead. But the storms of the past are receding. The skies are brightening. And the horizon is beckoning once more.

Thank you.

##

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Aaron  
Dickerson/OU=DC/O=USEPA/C=US@EPA[]; N=Aaron  
Dickerson/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/8/2009 10:32:07 PM  
**Subject:** Fw: Administration Launches Comprehensive Open Government Plan  
Open Government Directive  
Open Government Progress Report to the American People  
unveiled the directive on a live webchat  
Open Government Initiative

FYI

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Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 12/08/2009 05:28 PM -----

From: "Milakofsky, Benjamin E." <[REDACTED] Personal Privacy>  
To: "Lu, Christopher P." <[REDACTED] Personal Privacy> "Smith, Elizabeth S."  
[REDACTED] Personal Privacy "Kimball, Astri B." <[REDACTED] Personal Privacy> French,  
Michael J." <[REDACTED] Personal Privacy> "Greenawalt, Andrei M."  
[REDACTED] Personal Privacy "Taylor, Adam R." <[REDACTED] Personal Privacy>  
"Milakofsky, Benjamin E." <[REDACTED] Personal Privacy>  
Date: 12/08/2009 12:20 PM  
Subject: Administration Launches Comprehensive Open Government Plan

Dear Chiefs of Staff:

Please see the below press release launching the Open Government Directive.

--Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE  
December 8, 2009

Administration Launches Comprehensive Open Government Plan  
Public Provides Thousands of Ideas to Spark New Administration Initiatives

WASHINGTON, D.C. – As part of the Obama Administration's work to change how Washington does business, the White House Tuesday issued the Open Government Directive requiring federal agencies to take immediate, specific steps to open their operations up to the public. The Administration also released an Open Government Progress Report to the American People and previewed a number of other openness commitments that are poised to be released during the next two days.

The directive, released by the Office of Management and Budget, sets an unprecedented standard for government agencies, insisting that they achieve key milestones in transparency, collaboration, and participation.

“The President has been clear from day one in office: the federal government must break down the barriers between it and the people it’s supposed to serve. Today’s announcement will help to make government more open, transparent, and accountable to bridge the gap between the American people and their government,” White House Office of Management and Budget (OMB) Director Peter R. Orszag said.

OMB, at the President’s direction, released the Open Government Directive that requires agencies to take immediate, specific steps to open their operations to the public. The White House unveiled the directive on a live webchat hosted by federal Chief Technology Officer Aneesh Chopra and federal Chief Information Officer Vivek Kundra.

The directive stems largely from the unprecedented Open Government Initiative, coordinated by the White House Office of Science and Technology Policy during the summer, in which the Administration reached out directly to the American people for specific policy recommendations. Thousands of citizens participated in the online forums and offered ideas on how to transform the government into a more transparent, accountable, participatory operation.

In addition to the directive, the Administration on Tuesday released the Open Government Progress Report to the American People – an analysis of the steps already taken to increase transparency and a look at the actions on the horizon. Every Cabinet department is launching new open-government projects that will spark significant expansion in public accountability and access. Details on those projects will be released tomorrow.

“The American people know best what their government should do for them. It’s fitting that our open government directive has been significantly shaped by the collective wisdom of the American people,” Orszag said.

The Open Government Directive, called for by President Obama on his first full day in office, puts accountability and accessibility at the center of how the federal government operates. It instructs agencies to share information with the public through online, open, accessible, machine-readable formats. Agencies are to inventory existing information and establish a timeline for publishing them online to increase agency accountability and responsiveness; improve public knowledge of the agency and its operations; further the core mission of the agency; create economic opportunity; or respond to need and demand as identified through public consultation.

The directive also requires that annual Freedom of Information Act (FOIA) reports be published online in machine-readable formats, and demanding milestones for improving data quality and records management.

Second, it aims to instill the values of transparency, participation, and collaboration into the culture of every agency by requiring every agency to formulate an Open Government Plan and website. Specifically, each agency will be required to develop its own, unique roadmap in consultation with the American people and open government experts, rather than prescribing a one-size-fits-all approach. Once again, these ideas came directly from the public’s suggestions.

To assist agencies in the process of creating a plan, the White House will establish a forum and online dashboard to share best practices and track progress on transparency, participation, and collaboration, including how to take advantage of the expertise and insight of people both inside and outside the federal government.

Moving forward, OMB, in consultation with the Chief Technology Officer and the Chief Information Officer, will review government-wide information policies, such as the Paperwork Reduction Act and the federal cookies policy that may need updating or clarifying to allow agencies to utilize new technologies that promote open government fully.

###

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US  
**Sent:** Wed 12/9/2009 12:50:19 AM  
**Subject:** Congratulations

Hi Lisa. I wanted to add my congratulations on the GHG finding and announcement and the reception in Copenhagen.

I am so proud of all of us and to be working with you.

Bob  
Bob Perciasepe  
Office of the Administrator  
(o)202 564 4711  
(c) 

**To:** CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;"Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;"Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;"Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;"Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov]; Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Thur 12/10/2009 4:07:18 PM  
**Subject:** Re: Chemical Management Questions

# Deliberative

----- Original Message -----

From: Steve Owens

Sent: 12/10/2009 09:56 AM EST

To: Bob Perciasepe; Bob Sussman; Lisa Heinzerling; Diane Thompson

Cc: Jim Jones

Subject: Fw: Chemical Management Questions

Folk,

Below is the list of questions that the OMB budget staff just provided to OPPTS re the enhanced TSCA program. As you can see, the vast majority are focused on policy related issues with only a few specifically related to budgetary considerations.

We seek your guidance on how you wish us to proceed, since the issue of the OMB budget staff's role in EPA policy direction is larger than just this program or OPPTS.

Of course, the consideration of these questions is now colored by the fact that, as instructed, we have provided the action plans to OMB. We will need guidance from you also about how to respond to additional requests from OMB based on the information in the plans.

Thanks.

Steve

----- Original Message -----

From: Bruce Berkley

Sent: 12/10/2009 09:23 AM EST

To: Steve Owens

Cc: Jim Jones; Wendy Cleland-Hamnett; Barbara Cunningham-HQ; Mike Burns

Subject: Fw: Chemical Management Questions  
Steve,

Here are the questions from OMB following up on Wendy's meeting with them last week. As you see in Mike Hagan's note, OMB is not requesting written responses but they are requesting a meeting next week to discuss our responses. Please let me know how you would like us to proceed.

Thanks,  
Bruce

----- Forwarded by Bruce Berkley/DC/USEPA/US on 12/10/2009 09:18 AM -----

From: "Hagan, Michael B." [Personal Privacy]  
To: Charlene Dunn/DC/USEPA/US@EPA, Bruce Berkley/DC/USEPA/US@EPA  
Cc: "Irwin, Janet E." [Personal Privacy]  
Date: 12/09/2009 07:03 PM  
Subject: Chemical Management Questions

Hi Charlene and Bruce,

As promised after last week's discussion, please find attached our initial questions on the Administrator's enhanced chemical management announcement. We'd like to schedule another discussion with you all sometime next week to get a more structured briefing of the revised program direction, and to discuss responses to these (and other) questions. While we're not expecting written responses, these questions should help provide the basis for your presentation. I will call tomorrow to discuss times.

Thanks.

Michael Hagan  
Environment Branch  
Office of Management and Budget  
(202) 395-3924  
[Personal Privacy]

[attachment "Chem Management Questions - 12-9-2009.doc" deleted by Bob Sussman/DC/USEPA/US]



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Bob  
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**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Thur 12/10/2009 4:40:11 PM  
**Subject:** Fw: Remarks by the President at the Acceptance of the Nobel Peace Prize

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Diane E. Thompson

Chief of Staff

U. S. Environmental Protection Agency

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----- Forwarded by Diane Thompson/DC/USEPA/US on 12/10/2009 11:19 AM -----

From: "Milakofsky, Benjamin E." [Personal Privacy]  
 To: "Lu, Christopher P." [Personal Privacy] "Smith, Elizabeth S."

Personal Privacy "Kimball, Astri B." Personal Privacy "French, Michael J."  
Personal Privacy "Greenawalt, Andrei M." Personal Privacy "Taylor,  
Adam R." Personal Privacy "Milakofsky, Benjamin E." Personal Privacy  
Date: 12/10/2009 10:39 AM  
Subject: Remarks by the President at the Acceptance of the Nobel Peace Prize

Dear Chiefs of Staff:

Please see the below remarks by the President at the acceptance of the Nobel Peace Prize.

--Cabinet Affairs

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release December 10, 2009

REMARKS BY THE PRESIDENT  
AT THE ACCEPTANCE OF THE NOBEL PEACE PRIZE

Oslo City Hall  
Oslo, Norway

1:44 P.M. CET

THE PRESIDENT: Your Majesties, Your Royal Highnesses, distinguished members of the Norwegian Nobel Committee, citizens of America, and citizens of the world:

I receive this honor with deep gratitude and great humility. It is an award that speaks to our highest aspirations -- that for all the cruelty and hardship of our world, we are not mere prisoners of fate. Our actions matter, and can bend history in the direction of justice.

And yet I would be remiss if I did not acknowledge the considerable controversy that your generous decision has generated. (Laughter.) In part, this is because I am at the beginning, and not the end, of my labors on the world stage. Compared to some of the giants of history who've received this prize -- Schweitzer and King; Marshall and Mandela -- my accomplishments are slight. And then there are the men and women around the world who have been jailed and beaten in the pursuit of justice; those who toil in humanitarian organizations to relieve suffering; the unrecognized millions whose quiet acts of courage and compassion inspire even the most hardened cynics. I cannot argue with those who find these men and women -- some known, some obscure to all but those they help -- to be far more deserving of this honor than I.

But perhaps the most profound issue surrounding my receipt of this prize is the fact that I am the Commander-in-Chief of the military of a nation in the midst of two wars. One of these wars is winding down. The other is a conflict that America did not seek; one in which we are joined by 42 other countries -- including Norway -- in an effort to defend ourselves and all nations from further attacks.

Still, we are at war, and I'm responsible for the deployment of thousands of young Americans to battle in a distant land. Some will kill, and some will be killed. And so I come here with an acute sense of the costs of armed conflict -- filled with difficult questions about the relationship between war and peace, and our effort to replace one with the

other.

Now these questions are not new. War, in one form or another, appeared with the first man. At the dawn of history, its morality was not questioned; it was simply a fact, like drought or disease -- the manner in which tribes and then civilizations sought power and settled their differences.

And over time, as codes of law sought to control violence within groups, so did philosophers and clerics and statesmen seek to regulate the destructive power of war. The concept of a "just war" emerged, suggesting that war is justified only when certain conditions were met: if it is waged as a last resort or in self-defense; if the force used is proportional; and if, whenever possible, civilians are spared from violence.

Of course, we know that for most of history, this concept of "just war" was rarely observed. The capacity of human beings to think up new ways to kill one another proved inexhaustible, as did our capacity to exempt from mercy those who look different or pray to a different God. Wars between armies gave way to wars between nations -- total wars in which the distinction between combatant and civilian became blurred. In the span of 30 years, such carnage would twice engulf this continent. And while it's hard to conceive of a cause more just than the defeat of the Third Reich and the Axis powers, World War II was a conflict in which the total number of civilians who died exceeded the number of soldiers who perished.

In the wake of such destruction, and with the advent of the nuclear age, it became clear to victor and vanquished alike that the world needed institutions to prevent another world war. And so, a quarter century after the United States Senate rejected the League of Nations -- an idea for which Woodrow Wilson received this prize -- America led the world in constructing an architecture to keep the peace: a Marshall Plan and a United Nations, mechanisms to govern the waging of war, treaties to protect human rights, prevent genocide, restrict the most dangerous weapons.

In many ways, these efforts succeeded. Yes, terrible wars have been fought, and atrocities committed. But there has been no Third World War. The Cold War ended with jubilant crowds dismantling a wall. Commerce has stitched much of the world together. Billions have been lifted from poverty. The ideals of liberty and self-determination, equality and the rule of law have haltingly advanced. We are the heirs of the fortitude and foresight of generations past, and it is a legacy for which my own country is rightfully proud.

And yet, a decade into a new century, this old architecture is buckling under the weight of new threats. The world may no longer shudder at the prospect of war between two nuclear superpowers, but proliferation may increase the risk of catastrophe. Terrorism has long been a tactic, but modern technology allows a few small men with outsized rage to murder innocents on a horrific scale.

Moreover, wars between nations have increasingly given way to wars within nations. The resurgence of ethnic or sectarian conflicts; the growth of secessionist movements, insurgencies, and failed states -- all these things have increasingly trapped civilians in unending chaos. In today's wars, many more civilians are killed than soldiers; the seeds of future conflict are sown, economies are wrecked, civil societies torn asunder, refugees amassed, children scarred.

I do not bring with me today a definitive solution to the problems of war. What I do know is that meeting these challenges will require the same vision, hard work, and persistence of those men and women who acted so boldly decades ago. And it will require us to think in new ways about the notions of just war and the imperatives of a just peace.

We must begin by acknowledging the hard truth: We will not eradicate violent conflict in our lifetimes. There will be times when nations -- acting individually or in concert -- will find the use of force not only necessary but morally justified.

I make this statement mindful of what Martin Luther King Jr. said in this same ceremony years ago: "Violence

never brings permanent peace. It solves no social problem: it merely creates new and more complicated ones." As someone who stands here as a direct consequence of Dr. King's life work, I am living testimony to the moral force of non-violence. I know there's nothing weak -- nothing passive -- nothing naïve -- in the creed and lives of Gandhi and King.

But as a head of state sworn to protect and defend my nation, I cannot be guided by their examples alone. I face the world as it is, and cannot stand idle in the face of threats to the American people. For make no mistake: Evil does exist in the world. A non-violent movement could not have halted Hitler's armies. Negotiations cannot convince al Qaeda's leaders to lay down their arms. To say that force may sometimes be necessary is not a call to cynicism -- it is a recognition of history; the imperfections of man and the limits of reason.

I raise this point, I begin with this point because in many countries there is a deep ambivalence about military action today, no matter what the cause. And at times, this is joined by a reflexive suspicion of America, the world's sole military superpower.

But the world must remember that it was not simply international institutions -- not just treaties and declarations -- that brought stability to a post-World War II world. Whatever mistakes we have made, the plain fact is this: The United States of America has helped underwrite global security for more than six decades with the blood of our citizens and the strength of our arms. The service and sacrifice of our men and women in uniform has promoted peace and prosperity from Germany to Korea, and enabled democracy to take hold in places like the Balkans. We have borne this burden not because we seek to impose our will. We have done so out of enlightened self-interest -- because we seek a better future for our children and grandchildren, and we believe that their lives will be better if others' children and grandchildren can live in freedom and prosperity.

So yes, the instruments of war do have a role to play in preserving the peace. And yet this truth must coexist with another -- that no matter how justified, war promises human tragedy. The soldier's courage and sacrifice is full of glory, expressing devotion to country, to cause, to comrades in arms. But war itself is never glorious, and we must never trumpet it as such.

So part of our challenge is reconciling these two seemingly irreconcilable truths -- that war is sometimes necessary, and war at some level is an expression of human folly. Concretely, we must direct our effort to the task that President Kennedy called for long ago. "Let us focus," he said, "on a more practical, more attainable peace, based not on a sudden revolution in human nature but on a gradual evolution in human institutions." A gradual evolution of human institutions.

What might this evolution look like? What might these practical steps be?

To begin with, I believe that all nations -- strong and weak alike -- must adhere to standards that govern the use of force. I -- like any head of state -- reserve the right to act unilaterally if necessary to defend my nation. Nevertheless, I am convinced that adhering to standards, international standards, strengthens those who do, and isolates and weakens those who don't.

The world rallied around America after the 9/11 attacks, and continues to support our efforts in Afghanistan, because of the horror of those senseless attacks and the recognized principle of self-defense. Likewise, the world recognized the need to confront Saddam Hussein when he invaded Kuwait -- a consensus that sent a clear message to all about the cost of aggression.

Furthermore, America -- in fact, no nation -- can insist that others follow the rules of the road if we refuse to follow them ourselves. For when we don't, our actions appear arbitrary and undercut the legitimacy of future interventions, no matter how justified.

And this becomes particularly important when the purpose of military action extends beyond self-defense or the defense of one nation against an aggressor. More and more, we all confront difficult questions about how to

prevent the slaughter of civilians by their own government, or to stop a civil war whose violence and suffering can engulf an entire region.

I believe that force can be justified on humanitarian grounds, as it was in the Balkans, or in other places that have been scarred by war. Inaction tears at our conscience and can lead to more costly intervention later. That's why all responsible nations must embrace the role that militaries with a clear mandate can play to keep the peace.

America's commitment to global security will never waver. But in a world in which threats are more diffuse, and missions more complex, America cannot act alone. America alone cannot secure the peace. This is true in Afghanistan. This is true in failed states like Somalia, where terrorism and piracy is joined by famine and human suffering. And sadly, it will continue to be true in unstable regions for years to come.

The leaders and soldiers of NATO countries, and other friends and allies, demonstrate this truth through the capacity and courage they've shown in Afghanistan. But in many countries, there is a disconnect between the efforts of those who serve and the ambivalence of the broader public. I understand why war is not popular, but I also know this: The belief that peace is desirable is rarely enough to achieve it. Peace requires responsibility. Peace entails sacrifice. That's why NATO continues to be indispensable. That's why we must strengthen U.N. and regional peacekeeping, and not leave the task to a few countries. That's why we honor those who return home from peacekeeping and training abroad to Oslo and Rome; to Ottawa and Sydney; to Dhaka and Kigali -- we honor them not as makers of war, but of wagers -- but as wagers of peace.

Let me make one final point about the use of force. Even as we make difficult decisions about going to war, we must also think clearly about how we fight it. The Nobel Committee recognized this truth in awarding its first prize for peace to Henry Dunant -- the founder of the Red Cross, and a driving force behind the Geneva Conventions.

Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. And even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war. That is what makes us different from those whom we fight. That is a source of our strength. That is why I prohibited torture. That is why I ordered the prison at Guantanamo Bay closed. And that is why I have reaffirmed America's commitment to abide by the Geneva Conventions. We lose ourselves when we compromise the very ideals that we fight to defend. (Applause.) And we honor -- we honor those ideals by upholding them not when it's easy, but when it is hard.

I have spoken at some length to the question that must weigh on our minds and our hearts as we choose to wage war. But let me now turn to our effort to avoid such tragic choices, and speak of three ways that we can build a just and lasting peace.

First, in dealing with those nations that break rules and laws, I believe that we must develop alternatives to violence that are tough enough to actually change behavior -- for if we want a lasting peace, then the words of the international community must mean something. Those regimes that break the rules must be held accountable. Sanctions must exact a real price. Intransigence must be met with increased pressure -- and such pressure exists only when the world stands together as one.

One urgent example is the effort to prevent the spread of nuclear weapons, and to seek a world without them. In the middle of the last century, nations agreed to be bound by a treaty whose bargain is clear: All will have access to peaceful nuclear power; those without nuclear weapons will forsake them; and those with nuclear weapons will work towards disarmament. I am committed to upholding this treaty. It is a centerpiece of my foreign policy. And I'm working with President Medvedev to reduce America and Russia's nuclear stockpiles.

But it is also incumbent upon all of us to insist that nations like Iran and North Korea do not game the system. Those who claim to respect international law cannot avert their eyes when those laws are flouted. Those who care for their own security cannot ignore the danger of an arms race in the Middle East or East Asia. Those who seek peace cannot stand idly by as nations arm themselves for nuclear war.

The same principle applies to those who violate international laws by brutalizing their own people. When there is genocide in Darfur, systematic rape in Congo, repression in Burma -- there must be consequences. Yes, there will be engagement; yes, there will be diplomacy -- but there must be consequences when those things fail. And the closer we stand together, the less likely we will be faced with the choice between armed intervention and complicity in oppression.

This brings me to a second point -- the nature of the peace that we seek. For peace is not merely the absence of visible conflict. Only a just peace based on the inherent rights and dignity of every individual can truly be lasting.

It was this insight that drove drafters of the Universal Declaration of Human Rights after the Second World War. In the wake of devastation, they recognized that if human rights are not protected, peace is a hollow promise.

And yet too often, these words are ignored. For some countries, the failure to uphold human rights is excused by the false suggestion that these are somehow Western principles, foreign to local cultures or stages of a nation's development. And within America, there has long been a tension between those who describe themselves as realists or idealists -- a tension that suggests a stark choice between the narrow pursuit of interests or an endless campaign to impose our values around the world.

I reject these choices. I believe that peace is unstable where citizens are denied the right to speak freely or worship as they please; choose their own leaders or assemble without fear. Pent-up grievances fester, and the suppression of tribal and religious identity can lead to violence. We also know that the opposite is true. Only when Europe became free did it finally find peace. America has never fought a war against a democracy, and our closest friends are governments that protect the rights of their citizens. No matter how callously defined, neither America's interests -- nor the world's -- are served by the denial of human aspirations.

So even as we respect the unique culture and traditions of different countries, America will always be a voice for those aspirations that are universal. We will bear witness to the quiet dignity of reformers like Aung Sang Suu Kyi; to the bravery of Zimbabweans who cast their ballots in the face of beatings; to the hundreds of thousands who have marched silently through the streets of Iran. It is telling that the leaders of these governments fear the aspirations of their own people more than the power of any other nation. And it is the responsibility of all free people and free nations to make clear that these movements -- these movements of hope and history -- they have us on their side.

Let me also say this: The promotion of human rights cannot be about exhortation alone. At times, it must be coupled with painstaking diplomacy. I know that engagement with repressive regimes lacks the satisfying purity of indignation. But I also know that sanctions without outreach -- condemnation without discussion -- can carry forward only a crippling status quo. No repressive regime can move down a new path unless it has the choice of an open door.

In light of the Cultural Revolution's horrors, Nixon's meeting with Mao appeared inexcusable -- and yet it surely helped set China on a path where millions of its citizens have been lifted from poverty and connected to open societies. Pope John Paul's engagement with Poland created space not just for the Catholic Church, but for labor leaders like Lech Walesa. Ronald Reagan's efforts on arms control and embrace of perestroika not only improved relations with the Soviet Union, but empowered dissidents throughout Eastern Europe. There's no simple formula here. But we must try as best we can to balance isolation and engagement, pressure and incentives, so that human rights and dignity are advanced over time.

Third, a just peace includes not only civil and political rights -- it must encompass economic security and opportunity. For true peace is not just freedom from fear, but freedom from want.

It is undoubtedly true that development rarely takes root without security; it is also true that security does not exist where human beings do not have access to enough food, or clean water, or the medicine and shelter they

need to survive. It does not exist where children can't aspire to a decent education or a job that supports a family. The absence of hope can rot a society from within.

And that's why helping farmers feed their own people -- or nations educate their children and care for the sick -- is not mere charity. It's also why the world must come together to confront climate change. There is little scientific dispute that if we do nothing, we will face more drought, more famine, more mass displacement -- all of which will fuel more conflict for decades. For this reason, it is not merely scientists and environmental activists who call for swift and forceful action -- it's military leaders in my own country and others who understand our common security hangs in the balance.

Agreements among nations. Strong institutions. Support for human rights. Investments in development. All these are vital ingredients in bringing about the evolution that President Kennedy spoke about. And yet, I do not believe that we will have the will, the determination, the staying power, to complete this work without something more -- and that's the continued expansion of our moral imagination; an insistence that there's something irreducible that we all share.

As the world grows smaller, you might think it would be easier for human beings to recognize how similar we are; to understand that we're all basically seeking the same things; that we all hope for the chance to live out our lives with some measure of happiness and fulfillment for ourselves and our families.

And yet somehow, given the dizzying pace of globalization, the cultural leveling of modernity, it perhaps comes as no surprise that people fear the loss of what they cherish in their particular identities -- their race, their tribe, and perhaps most powerfully their religion. In some places, this fear has led to conflict. At times, it even feels like we're moving backwards. We see it in the Middle East, as the conflict between Arabs and Jews seems to harden. We see it in nations that are torn asunder by tribal lines.

And most dangerously, we see it in the way that religion is used to justify the murder of innocents by those who have distorted and defiled the great religion of Islam, and who attacked my country from Afghanistan. These extremists are not the first to kill in the name of God; the cruelties of the Crusades are amply recorded. But they remind us that no Holy War can ever be a just war. For if you truly believe that you are carrying out divine will, then there is no need for restraint -- no need to spare the pregnant mother, or the medic, or the Red Cross worker, or even a person of one's own faith. Such a warped view of religion is not just incompatible with the concept of peace, but I believe it's incompatible with the very purpose of faith -- for the one rule that lies at the heart of every major religion is that we do unto others as we would have them do unto us.

Adhering to this law of love has always been the core struggle of human nature. For we are fallible. We make mistakes, and fall victim to the temptations of pride, and power, and sometimes evil. Even those of us with the best of intentions will at times fail to right the wrongs before us.

But we do not have to think that human nature is perfect for us to still believe that the human condition can be perfected. We do not have to live in an idealized world to still reach for those ideals that will make it a better place. The non-violence practiced by men like Gandhi and King may not have been practical or possible in every circumstance, but the love that they preached -- their fundamental faith in human progress -- that must always be the North Star that guides us on our journey.

For if we lose that faith -- if we dismiss it as silly or naïve; if we divorce it from the decisions that we make on issues of war and peace -- then we lose what's best about humanity. We lose our sense of possibility. We lose our moral compass.

Like generations have before us, we must reject that future. As Dr. King said at this occasion so many years ago, "I refuse to accept despair as the final response to the ambiguities of history. I refuse to accept the idea that the 'isness' of man's present condition makes him morally incapable of reaching up for the eternal 'oughtness' that forever confronts him."



Let us reach for the world that ought to be -- that spark of the divine that still stirs within each of our souls.  
(Applause.)

Somewhere today, in the here and now, in the world as it is, a soldier sees he's outgunned, but stands firm to keep the peace. Somewhere today, in this world, a young protestor awaits the brutality of her government, but has the courage to march on. Somewhere today, a mother facing punishing poverty still takes the time to teach her child, scrapes together what few coins she has to send that child to school -- because she believes that a cruel world still has a place for that child's dreams.

Let us live by their example. We can acknowledge that oppression will always be with us, and still strive for justice. We can admit the intractability of depravation, and still strive for dignity. Clear-eyed, we can understand that there will be war, and still strive for peace. We can do that -- for that is the story of human progress; that's the hope of all the world; and at this moment of challenge, that must be our work here on Earth.

Thank you very much. (Applause.)

END      2:20 P.M. CET

**To:** "Lisa Jackson" [windsor.richard@epa.gov]  
**Cc:** CN=Heidi Ellis/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Robert Goulding/OU=DC/O=USEPA/C=US  
**Sent:** Thur 12/10/2009 7:14:32 PM  
**Subject:** Fw: REVISED SLIDES for 4pm briefing  
[Transport Rule Options 12-10-09 .ppt](#)  
[Overview Transport Rule 12.10.09.ppt](#)

FYI - If you have a chance to print.

----- Original Message -----

From: Marta Montoro  
Sent: 12/10/2009 02:13 PM EST  
To: Robert Goulding; Heidi Ellis  
Cc: Daniel Gerasimowicz  
Subject: REVISED SLIDES for 4pm briefing

Here are the revised slides for today's 4pm briefing - they reflect last night's pre-brief discussion with Bob P. and Bob S. If you could get them to the Administrator so she could print them ahead of time that would be great. Thank you!

Marta E. Montoro  
U.S. Environmental Protection Agency  
Special Assistant  
Office of the Administrator  
1200 Pennsylvania Ave. NW (1101A)  
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Tel: (202) 564-4471  
Fax: (202) 501-1428  
Email: Montoro.Marta@epa.gov

**\*\*THIS EMAIL IS INTERNAL AND DELIBERATIVE\*\***

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=David  
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Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Thur 12/10/2009 7:55:09 PM  
**Subject:** BREAKING NEWS: Kerry Lieberman Graham announce legislative framework  
[Climate Framework Final.pdf](#)

----- Forwarded by Adora Andy/DC/USEPA/US on 12/10/2009 02:54 PM -----

From: "LaBolt, Benjamin" Personal Privacy  
To: undisclosed-recipients;;  
Date: 12/10/2009 02:52 PM  
Subject: News: Kerry Lieberman Graham announce legislative framework

Folks: see attached, Senators Kerry, Lieberman, and Graham have announced a legislative framework to

move comprehensive energy legislation forward in the Senate. This will be helpful to our efforts at home, and in Copenhagen this week. Make sure your bosses have seen it. Statement from the White House shortly. Thanks.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence  
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**Cc:** CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
Andy/OU=DC/O=USEPA/C=US@EPA[]; N=Adora Andy/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Thur 12/10/2009 7:55:39 PM  
**Subject:** Kerry Lieberman Graham announce legislative framework  
[Climate Framework Final.pdf](#)

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M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: [brooks-lasure.allyn@epa.gov](mailto:brooks-lasure.allyn@epa.gov)

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 12/10/2009 02:54 PM -----

December 10, 2009

President Barack Obama

The White House

1600 Pennsylvania Ave, NW

Washington, DC 20500

Dear Mr. President:

Over the past month, we have been working together to develop consensus on a comprehensive pollution reduction and energy independence plan. Support is building to simultaneously create jobs, protect our national security interests and improve our environment. As you depart for Copenhagen, we wanted to provide an assessment of where we see the debate heading in the United States Senate.

From the longest serving member in the history of Congress, Senator Robert Byrd, to James Murdoch, a senior officer of News Corporation, to General Anthony Zinni, former U.S. CENTCOM Commander, Americans are uniting to say that now is the time to address climate change and secure our energy independence. We are heeding these voices and intend to combine the very best ideas from the public and private sectors and from across the ideological spectrum to achieve the structurally simplest, most economically responsible and environmentally effective result possible.

Our discussions have led us to develop a basic framework for climate action, which is attached for your consideration. We look forward to working with you in the coming months to enact comprehensive pollution reduction and energy independence legislation.

Sincerely,

John Kerry Joseph I. Lieberman

United States Senator United States Senator

Framework for Climate Action and Energy Independence in the U.S. Senate

Carbon pollution is altering the earth's climate. The impacts have already been seen and felt throughout our country and around the world. Monday's endangerment finding by the Environmental Protection Agency (EPA) underscores the importance of Congressional action to address greenhouse gas emissions before the EPA moves unilaterally.

This document outlines the principles and guidelines that will shape our ongoing efforts to develop comprehensive climate change and energy independence legislation; It is a starting point, inviting our colleagues' constructive input.

Our efforts seek to build upon the significant work already completed in Congress. Earlier this year, the Senate Energy and Natural Resources Committee passed bipartisan legislation that will instruct our efforts to promote and achieve energy security. Important work to reduce carbon emissions has taken place in the Senate Environment and Public Works Committee, which additionally informs us. We also anticipate consideration of issues related to climate change by the Senate Finance, Commerce, and Agriculture Committees.

It is critical to emphasize that this framework is a work in progress. We will continue to engage with our constituents, colleagues in the Senate, and stakeholders outside Washington in our effort to build a consensus that will lead to the passage of comprehensive climate and energy legislation. The only way to succeed is through ongoing engagement and an honest effort to put all ideas on the table.

Better jobs, cleaner air. Our legislation will contain comprehensive pollution reduction targets that are both environmentally significant and achievable. It is our belief that a market-based

system, rather than a labyrinth of command-and-control regulations, will allow us to reduce pollution economically and avoid the worst impacts of global climate change. It will also provide significant transition assistance to companies and consumers without using taxpayer dollars or driving up the national debt. We believe a near term pollution reduction target in the range of 17 percent below 2005 emissions levels is achievable and reasonable, as is a long term target of approximately 80 percent below 2005 levels. Finally, we believe a robust investment in the development and deployment of clean energy technologies will ensure that as pollution reduction targets become more rigorous, companies will be better equipped to meet their obligations in a cost effective manner.

Many business leaders have endorsed this approach. Just last week, David Cote, the CEO of Honeywell, as well as other business leaders, persuasively argued that setting a price on carbon would create demand for clean energy technologies and provide a tremendous opportunity for economic growth and job creation in America. He said: "There will be no jobs created without demand. This legislation would stimulate the demand for energy efficiency products and services and low carbon sources of energy. China and India are stimulating their domestic demand for these products and technologies much more aggressively than we are and will take the global competitiveness lead unless we act. Cap and trade enables businesses to use the market to most effectively and efficiently develop that 21st century global competitiveness." Mr. Cote's words have been echoed by other American business leaders including Jim Rogers, CEO of Duke Energy, who has said, "the sooner we pass climate change legislation - the better off our economy, and the world's environment - will be. If we go about it the right way, we can not only avoid unnecessary economic harm and dislocation, but we can also ignite a lower carbon, green revolution and more rapidly put this recession in our rear view mirror."

Securing energy independence. We find ourselves more dependent on foreign oil today than any other time in our nation's history, and that is unacceptable. Every day, we spend nearly \$1 billion to sustain our addiction to foreign energy sources - and we ship Americans' hard earned dollars overseas, some of which finds its way to extremist or terrorist organizations. Presidents and politicians have bemoaned this fact for decades; and now is the moment when we can - and must - break that habit. By spurring the development and deployment of new clean energy technologies and increasing our supply of domestically produced oil and natural gas on land and offshore, our legislation will ensure America's energy security. We will do so in a way that sends money back to the states that opt to drill and also provides new federal government revenues to advance climate mitigation goals. We will also encourage investments in energy efficiency because we believe that consuming less power will help keep energy bills down and simultaneously extend the life of our domestic energy resources. Finally, maintaining the ability to refine petroleum products in the United States is a national security priority. It is our belief that we can preserve our refining capacity without sacrificing our environmental goals. If energy independence is to be a priority, we must keep the entire energy cycle right here at home.

Creating regulatory predictability. By failing to legislate, Congress is ceding the policy reins to the EPA and ignoring our responsibility to our constituents. We are working with our colleagues, the Administration and outside stakeholders to strike a sensible balance and determine the appropriate way to provide regulatory predictability. We agree that providing the business community as much certainty as possible is essential to attract investment, create jobs and generate the confidence necessary to reach our goals. The absence of national greenhouse gas emissions standards has invited a patchwork of inconsistent state and regional regulations. Since it is not reasonable to expect businesses to comply with fifty different standards, it is imperative that a federal pollution control system be meaningful and be set by federally elected officials.

Protecting consumers. It is critical to provide transitional assistance to households and businesses to ease the shift to a low-carbon economy. We will provide support to help companies meet their compliance obligations and avoid driving up prices for energy consumers. We will include special protections for low- and middle-income Americans, who spend a disproportionately large amount of their income on energy. We are considering a number of

mechanisms, including a price collar and strategic reserve, to moderate the price of carbon and prevent extreme market volatility while maintaining the environmental integrity of the pollution reduction program. Additionally, we support energy efficiency programs to help reduce energy bills long into the future.

Encouraging nuclear power. Additional nuclear power is an essential component of our strategy to reduce greenhouse gas emissions. We strongly support incentives for renewable energy sources such as wind and solar, but successful legislation must also recognize the important role for clean nuclear power in our low-emissions future. America has lost its nuclear technology manufacturing base, and we must rebuild it in order to compete in the global marketplace. Our legislation will encourage the construction of new nuclear power plants and provide funding to train the next generation of nuclear workers. We will make it easier to finance the construction of new nuclear power plants and improve the efficiency of the licensing process for traditional as well as small modular reactors, while fully respecting safety and environmental concerns. In addition, we support the research and development of new, safe ways to minimize nuclear waste. We are working with our colleagues to create incentives for low-carbon power sources, including nuclear, that will complement the Energy and Natural Resource Committee's work to incentivize renewable electricity.

Ensuring a future for coal. Our country has plentiful, accessible coal resources and infrastructure. It is a key component of our current fuel mix. As Senator Byrd pointed out in a recent op-ed, "No deliberate effort to do away with the coal industry could ever succeed in Washington because there is no available alternative energy supply that could immediately supplant the use of coal for base load power generation in America." He also acknowledged that, "to deny the mounting science of climate change is to stick our heads in the sand and say 'deal me out'. . . The truth is that some form of climate legislation will likely become public policy because most American voters want a healthier environment." We agree with both statements. However, due to current regulatory uncertainty, it is increasingly challenging to site new coal facilities, and utilities are switching to other fuel sources. Earlier this month, an electric utility in North Carolina announced its plans to take 11 existing coal facilities out of operation. Coal's future as part of the energy mix is inseparable from the passage of comprehensive climate change and energy legislation. We will commit significant resources to the rapid development and deployment of clean coal technology, and dedicated support for early deployment of carbon capture and sequestration.

Reviving American manufacturing by creating jobs. Manufacturing is the backbone of our nation's economy, and we refuse to believe that the days of American leadership are behind us. Despite some initial success stories, such as North Dakota's 30 percent growth in clean energy jobs in the last decade, the United States is falling behind. Successful climate legislation will not send existing jobs overseas. Rather, pricing carbon will drive innovation - creating new opportunities for those who develop clean energy technologies, as well as those who build, install, and maintain them. We plan to provide significant assistance to manufacturers to avoid carbon leakage and ensure the continued competitiveness of American-made goods. Our legislation will also provide financial incentives to both large and small manufacturers to improve the efficiency of their processes, which will mean even more new jobs. In addition to employing thousands in the building trades, our envisioned development of nuclear and wind power will also mean jobs and growth for our steel industry. It is time to regain our leadership and create the jobs of the future here in America.

Creating wealth for domestic agriculture and forestry. While emissions from agriculture will not be regulated, climate legislation will provide farmers with new opportunities to benefit from reducing their carbon emissions. Offset projects and other incentives will enable farmers to develop new income streams, as environmentally-friendly farming practices dramatically increase in value once a price is placed on carbon. According to USDA Secretary Vilsack, "the economic opportunities for farmers and ranchers can potentially outpace, perhaps significantly, the costs from climate legislation." In addition, a new USDA study released last week shows that this can be accomplished without an appreciable rise in food prices. While we are still discussing



the details of the offset program with our colleagues, we have reached agreement that we will include significant amounts of real, monitored and verified domestic and international offsets and other incentives in our system in order to contain costs and create opportunities for farmers, ranchers and forest owners to benefit from climate change legislation.

Regulating the carbon market. We will support vigilant carbon market oversight, real-time transparency, adequate settlement requirements to control risk in the market and strong quality controls to ensure maximum effectiveness and clarity. We will not stand for market abuse or manipulation, and we believe it is essential that any comprehensive emissions reduction strategy include provisions to ensure openness and accountability within the carbon market.

Climate change is a global problem that requires a global solution. Ultimately, climate change must be addressed through a strong international agreement that includes real, measurable, reportable, verifiable and enforceable actions by all nations. American leadership is essential, but action by the developing world is necessary to maximize the benefits of our effort. To this end, we acknowledge the role the United States can play to help provide long-term financing to assist developing countries adapt to climate change, generate energy cleanly and reduce emissions from deforestation. Additional private climate finance provided through international offsets has the added benefit of reducing costs for American consumers. As we work collectively with other countries to reduce global emissions, we agree with nine of our colleagues who wrote earlier this month: "enhanced technology cooperation will benefit the United States but must be coupled with strong protections for intellectual property rights." Finally, we will include strong measures that are compatible with our obligations under the World Trade Organization to prevent our economic competitors from exploiting the American market if they shirk their responsibility to minimize carbon pollution.

Building consensus. We intend to continue to engage our Senate colleagues in the weeks ahead to develop sensible, effective climate change legislation that will create jobs, ensure our energy independence, restore America to a position of leadership in the clean energy economy and reduce pollution. We are inspired by the years of work that have already been done and we hope both to build on those efforts and to devise new, innovative ideas for resolving some of the issues that have long blocked the passage of a climate change bill in the Senate. Every perspective is valuable and we invite all of our colleagues, stakeholders and constituents to join us in this effort to find consensus. Together, we can and will pass climate change and energy independence legislation this Congress.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
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Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Thur 12/10/2009 9:16:09 PM  
**Subject:** Statement by the Press Secretary on the Comprehensive Energy Framework  
Announced by Senators Kerry, Lieberman, and Graham

FYI...

THE WHITE HOUSE  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE  
December 10, 2009

Statement by the Press Secretary on the Comprehensive Energy Framework Announced by Senators  
Kerry, Lieberman, and Graham

Today, Senators Kerry, Lieberman and Graham took another significant step in the effort to pass comprehensive energy reform with the release of their legislative framework. The President believes this is a positive development towards reaching a strong, unified and bipartisan agreement in the U.S. Senate.

Over the last 11 months, the Obama Administration has made historic strides in building a clean energy economy, creating new American jobs and reducing US dependence on foreign oil. From robust domestic actions including historic investments in clean energy to sustained international engagement to encourage countries around the world to reduce their carbon emissions, the President has established a new energy foundation. The passage of comprehensive energy legislation is essential to that effort.

In a demonstration of the growing consensus surrounding the need to reform our energy economy, the President heard from CEOs yesterday who told him that passing clean energy legislation and supporting an international accord to reduce emissions will strengthen our economy and enhance our competitiveness.

The President looks forward to working with the Senate and signing comprehensive energy and climate legislation as soon as possible.

##

**To:** windsor.richard@epa.gov[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Thur 12/10/2009 10:39:29 PM  
**Subject:** Fw: Statement by the Press Secretary on the Comprehensive Energy Framework Announced by Senators Kerry, Lieberman, and Graham

Notwithstanding the fact that they have made no real headway -- and, indeed, in light of the fact that they have made no real headway -- it was wise and helpful for the three of them nevertheless to make up a document to release jointly. During the pendency of the Copenhagen conference, the mere appearance of US domestic momentum is itself helpful. But the fact remains that the document that the three of them just released is not a description of a bill. It's not even a list of concrete legislative principles. Rather, it's merely a collection of very broad ideals.

----- Original Message -----

**From:** Adora Andy  
**Sent:** 12/10/2009 04:16 PM EST  
**To:** Richard Windsor; Bob Sussman; Bob Perciasepe; Diane Thompson; Gina McCarthy; Lisa Heinzerling; David McIntosh; Arvin Ganesan  
**Cc:** Seth Oster; Allyn Brooks-LaSure  
**Subject:** Statement by the Press Secretary on the Comprehensive Energy Framework Announced by Senators Kerry, Lieberman, and Graham  
FYI...

THE WHITE HOUSE  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE  
December 10, 2009

Statement by the Press Secretary on the Comprehensive Energy Framework Announced by Senators Kerry, Lieberman, and Graham

Today, Senators Kerry, Lieberman and Graham took another significant step in the effort to pass comprehensive energy reform with the release of their legislative framework. The President believes this is a positive development towards reaching a strong, unified and bipartisan agreement in the U.S. Senate.

Over the last 11 months, the Obama Administration has made historic strides in building a clean energy economy, creating new American jobs and reducing US dependence on foreign oil. From robust domestic actions including historic investments in clean energy to sustained international engagement to encourage countries around the world to reduce their carbon emissions, the President has established a new energy foundation. The passage of comprehensive energy legislation is essential to that effort.

In a demonstration of the growing consensus surrounding the need to reform our energy economy, the President heard from CEOs yesterday who told him that passing clean energy legislation and supporting an international accord to reduce emissions will strengthen our economy and enhance our competitiveness.

The President looks forward to working with the Senate and signing comprehensive energy and climate legislation as soon as possible.

##

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 12:28:11 AM  
**Subject:** Re: Immediate reactions

Lisa -- if it would help, I know that the three of us (me, Bob and Lisa H) would be happy to talk through the issues based on the time we've all spent getting up to speed. We could certainly sit down with you next week, maybe with Joe Goffman and Janet McCabe.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US  
To: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>  
Cc: "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>  
Date: 12/10/2009 06:55 PM  
Subject: Immediate reactions

Gina,

Thx for the briefing today. Its obvious your folks are working hard. I am exhausted now but I already know I have several questions regarding timing and policy decisions, particularly on the NOx issue. Is there someone you want me to follow up with next week or should I wait for you?

Thanks and travel safely. Lisa

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]; N=Sarah Pallone/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** []

**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US

**Sent:** Fri 12/11/2009 1:29:37 AM

**Subject:** Florida Nutrient Criteria proposal

Larry and I were briefed today by OW about EPA's proposed numeric nutrient criteria for Florida's inland water. This is an important and controversial proposal that is moving on a fast track.

We are obligated under a consent decree to propose the criteria by January 14, 2009. This consent decree stemmed from a formal determination by the previous OW AA that numeric nutrient criteria for Florida are "necessary" under Section 303 of the Act. In turn, that determination followed years of data-gathering and discussion between EPA and Florida DEP. There is no doubt that nutrient-related water quality impairment in Florida is extensive and well-documented but other states are not far behind. There are now few states with numeric nutrient limits (the Chesapeake Bay states are among them). Environmental groups, however, are pushing hard for numeric criteria across the country.

Development of the criteria has high visibility with the agricultural sector in Florida, local governments and the Congressional delegation. Other states and environmental groups are watching closely. Initially

FDEP started its own rulemaking process but decided to defer to EPA when we entered into the consent decree. Technical discussions between EPA and the State have continued on an intensive basis and there is agreement between FDEP and EPA on some elements of the draft criteria. Other issues such as downstream protection standards, remain sharply disputed, however.

**Deliberative**

I would suggest that we get OCIR and OPA closely working with R4 and OW to manage our communications. This needs to start now even though publication is a month off.

A briefing for the Administrator might be very informative given the precedent-setting nature of the proposal but unfortunately we don't have the luxury of studying the issues because of the judicial deadline.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency



**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Steve Owens/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 2:24:03 AM  
**Subject:** Re: Conversation with Cass re Action Plans

I agree with Bob, with one addition. If there's agreement, the course would be:

**Deliberative**

Reactions?

----- Original Message -----

From: Bob Sussman

Sent: 12/10/2009 07:39 PM EST

To: Steve Owens

Cc: Diane Thompson; Lisa Heinzerling; Bob Perciasepe; Seth Oster; Richard Windsor; Arvin Ganesan

Subject: Re: Conversation with Cass re Action Plans

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Steve Owens/DC/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Lisa Heinzerling" <Heinzerling.Lisa@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, Seth Oster/DC/USEPA/US@EPA  
Cc: Jim Jones/DC/USEPA/US@EPA  
Date: 12/10/2009 07:06 PM  
Subject: Conversation with Cass re Action Plans

I just spoke with Cass. He told me that he has determined that the action plans are regulatory documents and that he intends to send them through interagency review. He said that he would set a deadline to have the interagency review process "completed" by next Thursday morning (Dec. 17), so that the Administrator can still make an announcement next week. At first Cass said that the review would take all of next week, but when I protested, he made the commitment for next Thursday. I also told Cass that I could not speak for the Administrator's office and that I would convey his comments to you all for your consideration. For what it's worth, Cass was very complimentary of the documents substantively and said that "it is very important that the agency be able to move forward to address these chemicals." I

**To:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Steve Owens/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 2:40:57 AM  
**Subject:** Re: Conversation with Cass re Action Plans

I agree. Now that they have formally declared that the EO applies, there should be a public record of the review.

----- Original Message -----

From: Lisa Heinzerling

Sent: 12/10/2009 09:24 PM EST

To: Bob Sussman; Steve Owens

Cc: Diane Thompson; Bob Perciasepe; Seth Oster; Richard Windsor; Arvin Ganesan

Subject: Re: Conversation with Cass re Action Plans

I agree with Bob, with one addition. If there's agreement, the course would be:

**Deliberative**

Reactions?

----- Original Message -----

From: Bob Sussman

Sent: 12/10/2009 07:39 PM EST

To: Steve Owens

Cc: Diane Thompson; Lisa Heinzerling; Bob Perciasepe; Seth Oster; Richard Windsor; Arvin Ganesan

Subject: Re: Conversation with Cass re Action Plans

**Deliberative**

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Steve Owens/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Lisa Heinzerling"  
<Heinzerling.Lisa@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, Seth  
Oster/DC/USEPA/US@EPA  
Cc: Jim Jones/DC/USEPA/US@EPA  
Date: 12/10/2009 07:06 PM  
Subject: Conversation with Cass re Action Plans

**Deliberative**

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 1:33:30 PM  
**Subject:** Re: WSJ Strassel: The EPA's Carbon Bomb Fizzles

She's such a nut

----- Original Message -----

From: Richard Windsor  
Sent: 12/11/2009 06:29 AM EST  
To: Adora Andy  
Subject: Re: WSJ Strassel: The EPA's Carbon Bomb Fizzles  
Interesting

----- Original Message -----

From: Adora Andy  
Sent: 12/10/2009 10:20 PM EST  
To: Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Michael Moats  
Subject: WSJ Strassel: The EPA's Carbon Bomb Fizzles  
OPINION: POTOMAC WATCH  
DECEMBER 10, 2009, 9:31 P.M. ET

The EPA's Carbon Bomb Fizzles

The administration has given a skittish Congress another reason not to pass cap and trade.

By KIMBERLEY A. STRASSELShare:

In the high-stakes game of chicken the Obama White House has been playing with Congress over who will regulate the earth's climate, the president's team just motored into a ditch. So much for threats.

The threat the White House has been leveling at Congress is the Environmental Protection Agency's "endangerment finding," which EPA Administrator Lisa Jackson finally issued this week. The finding lays the groundwork for the EPA to regulate greenhouse gas emissions across the entire economy, on the grounds that global warming is hazardous to human health.

From the start, the Obama team has wielded the EPA action as a club, warning Congress that if it did not come up with cap-and-trade legislation the EPA would act on its own—and in a far more blunt fashion than Congress preferred. As one anonymous administration official menaced again this week: "If [Congress doesn't] pass this legislation," the EPA is going to have to "regulate in a command-and-control way, which will probably generate even more uncertainty."

The thing about threats, though, is that at some point you have to act on them. The EPA has been sitting on its finding for months, much to the agitation of environmental groups that have been upping the pressure for action.

President Obama, having failed to get climate legislation, didn't want to show up to the Copenhagen climate talks with a big, fat nothing. So the EPA pulled the pin. In doing so, it exploded its own threat.

Far from alarm, the feeling sweeping through many quarters of the Democratic Congress is relief. Voters know cap-and-trade is Washington code for painful new energy taxes. With a recession on, the subject has become poisonous in congressional districts. Blue Dogs and swing-state senators watched in alarm as local Democrats in the recent Virginia and New Jersey elections were pounded on the issue, and lost their seats.

But now? Hurrah! It's the administration's problem! No one can say Washington isn't doing something; the EPA has it under control. The agency's move gives Congress a further excuse not to act.

"The Obama administration now owns this political hot potato," says one industry source. "If I'm [Nebraska Senator] Ben Nelson or [North Dakota Senator] Kent Conrad, why would I ever want to take it back?"

All the more so, in Congress's view, because the EPA "command and control" threat may yet prove hollow. Now that the endangerment finding has become reality, the litigation is also about to become real. Green groups pioneered the art of environmental lawsuits. It turns out the business community took careful notes.

Industry groups are gearing up for a legal onslaught; and don't underestimate their prospects. The leaked emails from the Climatic Research Unit in England alone are a gold mine for those who want to challenge the science underlying the theory of manmade global warming.

But the EPA's legal vulnerabilities go beyond that. The agency derives its authority to regulate pollutants from the Clean Air Act. To use that law to regulate greenhouse gases, the EPA has to prove those gases are harmful to human health (thus, the endangerment finding). Put another way, it must provide "science" showing that a slightly warmer earth will cause Americans injury or death. Given that most climate scientists admit that a warmer earth could provide "net benefits" to the West, this is a tall order.

Then there are the rules stemming from the finding. Not wanting to take on the political nightmare of regulating every American lawn mower, the EPA has produced a "tailoring rule" that it says allows it to focus solely on large greenhouse gas emitters. Yet the Clean Air Act—authored by Congress—clearly directs the EPA to also regulate small emitters.

This is where green groups come in. The tailoring rule "invites suits," says Sen. John Barrasso (R., Wyo.), who has emerged as a top Senate watchdog of EPA actions. Talk of business litigation aside, Mr. Barrasso sees "most of the lawsuits coming from the environmental groups" who want to force the EPA to regulate everything. The agency is going to get hit from all directions. Even if these outsiders don't win their suits, they have the ability to twist up the regulations for a while.

Bottom line: At least some congressional Democrats view this as breathing room, a further reason to not tackle a killer issue in the run-up to next year's election. Mr. Obama may emerge from Copenhagen with some sort of "deal." But his real problem is getting Congress to act, and his EPA move may have just made that job harder.

Write to [kim@wsj.com](mailto:kim@wsj.com)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Adora Andy/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 1:46:36 PM  
**Subject:** Re: WSJ Strassel: The EPA's Carbon Bomb Fizzles

I see..

----- Original Message -----

From: Richard Windsor  
Sent: 12/11/2009 08:34 AM EST  
To: Adora Andy  
Subject: Re: WSJ Strassel: The EPA's Carbon Bomb Fizzles  
Yeah but it helps in strange and interesting ways. Tx.

----- Original Message -----

From: Adora Andy  
Sent: 12/11/2009 08:33 AM EST  
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Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Michael Moats  
Subject: WSJ Strassel: The EPA's Carbon Bomb Fizzles  
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**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Heidi Ellis/OU=DC/O=USEPA/C=US@EPA[];  
N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Heidi Ellis/OU=DC/O=USEPA/C=US@EPA[]; N=Heidi Ellis/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 3:02:08 PM  
**Subject:** Discussion this afternoon on CCR Rule

Diane suggested that Lisa H and I talk to you this afternoon to reset our strategy on the Orzag discussions and the timing of completing OMB review. We can obviously be available at your convenience. We know you're going to be driving this afternoon. Is there a time that works for a call?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Lisa Heinzerling"  
[Heinzerling.Lisa@epamail.epa.gov]; Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov];  
Georgia Bednar" [Bednar.Georgia@epamail.epa.gov]; Heidi Ellis" [Ellis.Heidi@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 6:14:11 PM  
**Subject:** Re: Discussion this afternoon on CCR Rule

A better possibility would be 2,r0. Any possibility that would work for you? Sorry but need to be at important MTM mtg w wilma lewis at DOI.

----- Original Message -----

From: Richard Windsor  
Sent: 12/11/2009 12:53 PM EST  
To: Bob Sussman  
Subject: Re: Discussion this afternoon on CCR Rule  
Perhaps at 3 EST. I'll call but cell service is very spotty in parts of east TX.

----- Original Message -----

From: Bob Sussman  
Sent: 12/11/2009 10:02 AM EST  
To: Richard Windsor  
Cc: Lisa Heinzerling; Diane Thompson; Heidi Ellis  
Subject: Discussion this afternoon on CCR Rule  
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Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov]; Georgia Bednar" [Bednar.Georgia@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 6:45:04 PM  
**Subject:** Re: Discussion this afternoon on CCR Rule

Thanks 2;30 I assume.

----- Original Message -----

From: Richard Windsor  
Sent: 12/11/2009 01:15 PM EST  
To: Bob Sussman  
Subject: Re: Discussion this afternoon on CCR Rule  
Will try.

----- Original Message -----

From: Bob Sussman  
Sent: 12/11/2009 01:14 PM EST  
To: Richard Windsor; Lisa Heinzerling; Georgia Bednar; Heidi Ellis  
Subject: Re: Discussion this afternoon on CCR Rule  
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To: Bob Sussman  
Subject: Re: Discussion this afternoon on CCR Rule  
Perhaps at 3 EST. I'll call but cell service is very spotty in parts of east TX.

----- Original Message -----

From: Bob Sussman  
Sent: 12/11/2009 10:02 AM EST  
To: Richard Windsor  
Cc: Lisa Heinzerling; Diane Thompson; Heidi Ellis  
Subject: Discussion this afternoon on CCR Rule  
Diane suggested that Lisa H and I talk to you this afternoon to reset our strategy on the Orzag discussions and the timing of completing OMB review. We can obviously be available at your convenience. We know you're going to be driving this afternoon. Is there a time that works for a call?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Georgia Bednar/OU=DC/O=USEPA/C=US@EPA[]; N=Georgia Bednar/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 7:33:37 PM  
**Subject:** Re: Discussion this afternoon on CCR Rule

We should find a time to talk. We are pushing very hard in our discussions with OMB. We have developed a persuasive benefits case and submitted it to OMB. We will probably meet with them early next week and will brief you on Monday. We're feeling that our defense of the rule is strong and we've pushed back on the main OMB arguments. The immediate question is when you and Orzag meet again. Our inclination is to continue to push with the goal of staying on our end-of-year schedule. But we may be missing something in your thinking. It would help to get more insight into the benefit of engaging the industry on beneficial reuse.

**Deliberative**

# Deliberative

----- Original Message -----

From: Richard Windsor  
Sent: 12/11/2009 01:57 PM EST  
To: Bob Sussman  
Cc: Lisa Heinzerling; Georgia Bednar  
Subject: Re: Discussion this afternoon on CCR Rule

I'm not sure I will be able to make it. A reset isn't needed but I am wondering if we will really make 12/31. We need to plan a mtg with the concrete reuse community and a few utilities to see what, if anything, EPA can do there. That's it for now.

----- Original Message -----

From: Bob Sussman  
Sent: 12/11/2009 01:45 PM EST  
To: Richard Windsor  
Cc: Lisa Heinzerling; Georgia Bednar  
Subject: Re: Discussion this afternoon on CCR Rule

Thanks 2;30 I assume.

----- Original Message -----

From: Richard Windsor  
Sent: 12/11/2009 01:15 PM EST  
To: Bob Sussman  
Subject: Re: Discussion this afternoon on CCR Rule

Will try.

----- Original Message -----

From: Bob Sussman  
Sent: 12/11/2009 01:14 PM EST  
To: Richard Windsor; Lisa Heinzerling; Georgia Bednar; Heidi Ellis

Subject: Re: Discussion this afternoon on CCR Rule  
A better possibility would be 2,00. Any possibility that would work for you? Sorry but need to be at important MTM mtg w wilma lewis at DOI.

----- Original Message -----

From: Richard Windsor  
Sent: 12/11/2009 12:53 PM EST  
To: Bob Sussman  
Subject: Re: Discussion this afternoon on CCR Rule  
Perhaps at 3 EST. I'll call but cell service is very spotty in parts of east TX.

----- Original Message -----

From: Bob Sussman  
Sent: 12/11/2009 10:02 AM EST  
To: Richard Windsor  
Cc: Lisa Heinzerling; Diane Thompson; Heidi Ellis  
Subject: Discussion this afternoon on CCR Rule  
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Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** "Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov]; Bob Perciasepe" [Perciasepe.Bob@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 8:03:57 PM  
**Subject:** Fw: Markey on Beneficial Reuse of coal ash  
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Worth reading.

----- Original Message -----

From: Mary-Kay Lynch  
Sent: 12/11/2009 10:05 AM EST  
To: Bob Sussman; Mathy Stanislaus; Lisa Heinzerling; Matt Hale; Matt Straus  
Subject: Fw: Markey on Beneficial Reuse of coal ash

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 12/11/2009 10:04 AM -----

From: Mary-Kay Lynch/DC/USEPA/US  
To: Laurel Celeste/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA, lynch.mary-kay@epa.gov  
Date: 12/11/2009 10:04 AM  
Subject: Markey on Beneficial Reuse of coal ash

Daily News from InsideEPA.com - Thursday, December 10, 2009

- Adjust Text Size +

Markey Urges Limits On Beneficial Reuse Of Coal Ash In EPA Waste Rule

Rep. Edward Markey (D-MA) is urging EPA to include first-time restrictions on the beneficial reuse of coal combustion waste as part of the agency's pending proposal to establish disposal rules for the waste, warning that some reuses of coal ash can result in heavy metals within the ash leaching out and contaminating water supplies.

Markey, chair of the House Energy & Commerce Committee's environmental panel, said during a Dec. 10 subcommittee hearing on coal ash and drinking water that the waste is not suitable for reuse in some circumstances -- for example as fill material in landscaping -- because it may leach out of the product and contaminate drinking water. Still, Markey said he supports reuse where it poses no leaching threat, for example when used in cement.

EPA is expected to soon propose its first-time Resource Conservation & Recovery Act rules for the handling and disposal of coal waste, which are currently under review by the White House Office of Management & Budget (OMB). It is unclear how the agency intends to address the issue of beneficial reuse in the upcoming rule.

The agency's proposal is expected to include a "hybrid" option to coal waste regulation, declaring "wet" disposal of coal waste -- for example in surface impoundments, or ponds -- as hazardous under RCRA

subtitle C while issuing less stringent subtitle D solid waste rules for coal ash that is disposed of in “dry” landfills. But Markey said in his opening statement at the hearing that regulations on wet disposal are insufficient to protect public health because, he said, the waste contains hazardous materials regardless of the disposal method, and that could pose a risk if the waste is beneficially reused in products such as fill material and ceramics. EPA should restrict certain beneficial reuses of the ash to protect human health and the environment, Markey said.

“As EPA moves forward with regulations, it must ensure that public health is protected for all disposal practices, not just the type of wet impoundment ponds that led to” a massive coal ash spill at a Tennessee Valley Authority wet disposal site in December 2008, Markey said. “EPA should encourage the beneficial uses that truly do protect public health and derive economic benefit to the industry, while restricting those that have the potential to cause economic or physical harm to nearby communities.”

Markey said the use of coal ash as filler for road embankments or for landscaping are uses that he opposes because of the possibility that heavy metals in the waste may leach out of the products.

Three witnesses at the hearing testified that their homes or businesses suffered when metals from the waste leached into and contaminated their drinking water supplies. Robyn Pierce, a real estate agent from Chesapeake, VA, said the levels of heavy metals in her home's drinking water have exceeded the maximum levels set by Virginia and EPA after Dominion Power built a golf course near her home using hundreds of tons of coal ash from a nearby coal-fired power plant. “The current definition of ‘beneficial use’ is quite frankly an oxymoron,” Pierce testified. Earthjustice attorney Lisa Evans said there were far more examples than those three witnesses who have experienced hardship from having their drinking water contaminated with toxins from coal ash or improper beneficial reuse. “The country is filled with hundreds of examples,” Evans said, adding that the number of sites where coal ash is disposed of has exploded over the last 30 years. “A lot of these waste sites have been exposed to the general public.”

“As long as coal ash remains unregulated, we the people have no protection from the companies who use beneficial use as a cover for corporate malfeasance,” Pierce added. The reuse industry -- which recycles 40 percent of coal ash annually -- however argues that reuse of coal ash is a proven safe use of the waste.

Coal Ash “Relatively Benign”

Dr. Donald McGraw, M.D., a member of the faculty of the University of Pittsburgh School of Medicine and practicing physician, told the panel that the ash is “relatively benign” and only poses a danger in concentrations far greater than the concentrations experienced anywhere in the United States. He said he had sympathy for the three witnesses but said, “three cases, as tragic as they may be, do not represent epidemiology.”

“The main tragedy in the coal combustion waste debate is the devastating job loss” that would accompany regulation, McGraw said. “It would be truly a tragic misadventure to plunge these people into economic devastation.”

House Energy & Commerce Committee environment panel ranking member Rep. Fred Upton (R-MI) asked Earthjustice's Evans what impact regulating coal ash as hazardous might have on the beneficial reuse of the ash, citing that in Europe, between 80 and 90 percent of the ash is reused instead of being disposed of. Industry has long argued that any designation of coal ash as hazardous or restrictions on beneficial reuse would decimate the reuse industry.

“EPA can deal with that, there are provisions in the statute,” Evans said, saying EPA has the power to regulate a substance as hazardous and still have it used and reused for different purposes. Evans added that if coal ash were regulated as a hazardous waste, it would drive the cost of disposal up, making recycling more attractive from an economic perspective. “If it's going to cost you more to dispose of a waste, it becomes an incentive to recycle, I would think.” -- John Heltman

12102009\_markey

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**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 8:57:33 PM  
**Subject:** Economic Report of the President

Lisa,

We received a chapter of the draft Economic Report of the President to review. The chapter is on climate and energy. Diane asked me to give you a quick summary of the chapter and a basic sense of our comments on it. (OPEI, OAR, and ORD all provided comments; OPEI sent a consolidated version to CEA.)

The chapter lays out the economics of climate and energy -- the economic costs of climate change, the case for a price on carbon, the potential for low-cost measures to address climate change, and the economic benefits of addressing climate change. The chapter is (not surprisingly) written in pretty dry and fairly standard economic language, but it does begin with a recognition that GDP, insofar as it does not account for environmental degradation, does not adequately capture economic well-being, and it goes on to make a strong economic case for action on climate. It points out that new legislation putting a price on carbon is superior to either doing nothing or regulating under existing law, but it does this without making unnecessarily pejorative comments about, say, the Clean Air Act. (The report does not, for example, use the standard pejorative "command-and-control.")

We offered quite a few technical comments on the chapter. Probably the biggest comment we made had to do with the chapter's invocation of the social cost of carbon in discussing the benefits of acting on climate change. We encouraged CEA to make clear that the value they are using is an interim value, and also to describe the full range of interim values and not just the mid-point estimate.

I hope this is useful. Please let me know if you have any questions.

Welcome back!

Lisa

**To:** "Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 10:54:32 PM  
**Subject:** Fw: Gulf Coast Rebuilding Weekly Update

FYI

From: "Lundqvist, Hanna" [Hanna.Lundqvist@dhs.gov]  
Sent: 12/11/2009 05:53 PM EST  
To: "Leshner, Jan" <Jan.Leshner@dhs.gov>; "Wareing, Tracy" <Tracy.Wareing@dhs.gov>; "Kayyem, Juliette" <Juliette.Kayyem@dhs.gov>; "Tennyson, Stephanie L" <Stephanie.Tennyson@dhs.gov>; "Smith, Sean" <Sean.Smith@dhs.gov>; "Kuban, Sara A" <Sara.Kuban@dhs.gov>; "McNamara, Jason" <Jason.Mcnamara@dhs.gov>; "Fugate, Craig" <Craig.Fugate@dhs.gov>;  
[Personal Privacy]  
[Personal Privacy] "Stevens, Clark"  
<Clark.Stevens@dhs.gov>; "Colburn, Brent" <Brent.Colburn@dhs.gov>; "Hart, Patrick"  
<Patrick.Hart@dhs.gov>; "Garratt, David" <david.garratt@dhs.gov>; "Wiggins, Chani Winn"  
<Chani.Wiggins@dhs.gov>; "Peacock, Nelson" <Nelson.Peacock@dhs.gov>; "Pressman, David"  
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<rima.cohen@hhs.gov>; "Contreras, January" <January.Contreras@dhs.gov>; "Gordon, Andrew S"  
<Andrew.Gordon@dhs.gov>; [Personal Privacy]  
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<david.vargas@hud.gov>; <mark.misczack@fema.gov>; "Fox, Katherine B" <Katherine.B.Fox@dhs.gov>;  
[Personal Privacy] "Monchek, Rafaela" <rafaela.monchek@dhs.gov>;  
<carl.highsmith@dot.gov>; <david.matsuda@dot.gov>; "Duggan, Alaina" <Alaina.Duggan@dhs.gov>;  
"Campbell, Matt" <matt.campbell@dhs.gov>; [Personal Privacy] Jim  
Hanlon; Diane Thompson; <donna.white@hud.gov>; <Inembhard@cns.gov>; <baker.angela@dol.gov>;  
[Personal Privacy] <Laura.McClure@dhs.gov>;  
<rstinson@eda.doc.gov>; <pdavidson@eda.doc.gov>; <cosborne@eda.doc.gov>; <ginger.lew@sba.gov>;  
<james.rivera@sba.gov>; <eric.zarnikow@sba.gov>; <chris.chan@sba.gov>; <ana.ma@sba.gov>;  
<Matthew.Yale@ed.gov>; <johnr.gingrich@va.gov>; <mark.a.linton@hud.gov>; <alexia.kelley@hhs.gov>;  
<cgrant2@doc.gov>; "Myers, David" <David.Myers1@dhs.gov>; "Schwartz, Alison"  
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[Personal Privacy] <edpartners@ed.gov>; <jerry.flavin@sba.gov>;  
<fbci@usaid.gov>; <vafbnp@va.gov>; <jkelly@cns.gov>; <banks@cdfi.treas.gov>; <kerney-

willist@cdfi.treas.gov>; <martineza@cdfi.treas.gov>; <Lynn.Overmann@usdoj.gov>; <melodee.hanes@usdoj.gov>;  
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"Stewart, Jessica L" <Jessica.Stewart@dhs.gov>

Cc: "Fraser, Timothy" <Timothy.Fraser@dhs.gov>; "Lockett, Terrence" <Terrence.Lockett@dhs.gov>; "McConnell,  
Scott" <Scott.Mcconnell@dhs.gov>; "Gehring, Wendy" <Wendy.Gehring@dhs.gov>; "Whelan, Moira"  
<Moira.Whelan@dhs.gov>; "Woodka, Janet" <Janet.Woodka@dhs.gov>; "Horton, Eric" <Eric.Horton@dhs.gov>;  
"Banta, Drue" <Drue.Banta@dhs.gov>

Subject: Gulf Coast Rebuilding Weekly Update

**To:** "Diane Thompson" [Thompson.Diane@epamail.epa.gov]; Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 11:12:06 PM  
**Subject:** Fw: OMB message on Great Lakes 2010 funding

Thought you should see this.

"The apportionment" means they took 13 million of the 475

Bob Perciasepe  
Office of the Administrator  
(o)202 564 4711  
(c) Personal Privacy

----- Original Message -----

From: David Bloom  
Sent: 12/11/2009 05:56 PM EST  
To: Maryann Froehlich  
Cc: Barbara Bennett; Bob Perciasepe; Ed Walsh; Mike Shapiro; Carol Terris; Charlene Dunn  
Subject: Re: OMB message on Great Lakes 2010 funding

I just received a call from Janet Irwin that the apportionment has been signed and that Sally Ericsson has spoken with the COE about moving quickly. My office will ensure OW gets the money asap so that the COE can get the funds and begin working on their short term plan. David

From: Maryann Froehlich/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA  
Cc: Ed Walsh/DC/USEPA/US@EPA, David Bloom/DC/USEPA/US@EPA  
Date: 12/11/2009 03:58 PM  
Subject: OMB message on Great Lakes 2010 funding

Bob/Barb/Mike - This is just to let you know that our Budget office just heard from Janet Irwin from OMB regarding a new decision and direction on a portion of the 2010 Great Lakes funding of \$475M.

Evidently, the Michigan Congressional delegation is upset about the asian carp issue and went to the White House to secure funding. Rahm Emanuel agreed to provide funding. Janet told us that the Corps of Engineers has a short-term plan to address asian carp in the GL. (It is not clear to me what the COE would do.) The message was to inform us that a decision was made, as reported by Janet Irwin, to provide a portion of the Great Lakes 2010 funding to the COE to fund their short-term plan. Cost of the short term plan is \$13M. Per OMB, EPA is directed to complete an MOU with the COE for this effort as soon as possible.

OMB, through the Environment Branch, will be quickly sending to the Budget Office a new apportionment to effect this transfer of funds. You may recall, that OMB has not yet given EPA the full apportionment of the \$475M and to date, has only apportioned \$10M to the Agency.

Maryann Froehlich  
Deputy Chief Financial Officer  
202 564 1152



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/11/2009 11:27:32 PM  
**Subject:** Re: OMB message on Great Lakes 2010 funding

Yes.

The Corps had about 46 million. This comes out of that.

They want to do press. I think it will be good for us to be in it and I am looping Seth and Allyn in

Bob Perciasepe

Office of the Administrator

(o)202 564 4711

(c) [Personal Privacy]

----- Original Message -----

From: Richard Windsor

Sent: 12/11/2009 06:15 PM EST

To: Bob Perciasepe; Diane Thompson

Subject: Re: OMB message on Great Lakes 2010 funding

K. Wont this come out of the COE share?

----- Original Message -----

From: Bob Perciasepe

Sent: 12/11/2009 06:12 PM EST

To: Diane Thompson; Richard Windsor

Subject: Fw: OMB message on Great Lakes 2010 funding

Thought you should see this.

"The apportionment" means they took 13 million of the 475

Bob Perciasepe

Office of the Administrator

(o)202 564 4711

(c) [Personal Privacy]

----- Original Message -----

From: David Bloom

Sent: 12/11/2009 05:56 PM EST

To: Maryann Froehlich

Cc: Barbara Bennett; Bob Perciasepe; Ed Walsh; Mike Shapiro; Carol Terris; Charlene Dunn

Subject: Re: OMB message on Great Lakes 2010 funding

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From: Maryann Froehlich/DC/USEPA/US

To: Bob Perciasepe/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA  
Cc: Ed Walsh/DC/USEPA/US@EPA, David Bloom/DC/USEPA/US@EPA  
Date: 12/11/2009 03:58 PM  
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Maryann Froehlich  
Deputy Chief Financial Officer  
202 564 1152



**To:** CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Jim Jones/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Sent:** Sat 12/12/2009 2:02:41 AM  
**Subject:** Re: BPA

Steve. This is disappointing of course. But per our e-mail exchange this morning, I'm hoping we can substitute one of the other action plans that are ready to go for the Thursday announcement. Have we submitted the other two to OMB? Also, could you share the thinking behind the postponement? Was there opposition to FDA's proposed actions?

----- Original Message -----

From: Steve Owens  
Sent: 12/11/2009 07:32 PM EST  
To: Richard Windsor; Bob Sussman; Bob Perciasepe; Diane Thompson; Lisa Heinzerling  
Cc: Jim Jones  
Subject: Re: BPA

No. Everyone. At the meeting chaired by Mona Sutphen this evening it was announced that no one can say or do anything re BPA until sometime after the first of the year, including EPA.

----- Original Message -----

From: Richard Windsor  
Sent: 12/11/2009 07:24 PM EST  
To: Steve Owens; Bob Sussman; Bob Perciasepe; Diane Thompson; Lisa Heinzerling  
Cc: Jim Jones  
Subject: Re: BPA

You mean by FDA?

----- Original Message -----

From: Steve Owens  
Sent: 12/11/2009 07:22 PM EST  
To: Bob Sussman; Bob Perciasepe; Richard Windsor; Diane Thompson; Lisa Heinzerling  
Cc: Jim Jones  
Subject: BPA

As expected, BPA has been postponed until sometime after the first of the year.

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;"Richard Windsor" [Windsor.Richard@epamail.epa.gov]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;"Richard Windsor" [Windsor.Richard@epamail.epa.gov]; Richard Windsor" [Windsor.Richard@epamail.epa.gov]  
**Cc:** CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;"Arvin Ganesan" [ganesan.arvin@epa.gov]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;"Arvin Ganesan" [ganesan.arvin@epa.gov]; Arvin Ganesan" [ganesan.arvin@epa.gov]; goffman joseph" [goffman.joseph@epa.gov]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Sat 12/12/2009 8:16:41 PM  
**Subject:** Re: home retrofit proposals

I agree with David. I think Charles and OAR have material that wld be responsive to E and C. DT

----- Original Message -----

From: Bob Sussman  
Sent: 12/12/2009 02:59 PM EST  
To: Arvin Ganesan  
Cc: Charles Imohiosen; David McIntosh; "ganesan arvin" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe; Diane Thompson  
Subject: Re: home retrofit proposals

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Arvin Ganesan/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, "ganesan arvin" <ganesan.arvin@epa.gov>, "goffman joseph" <goffman.joseph@epa.gov>, Charles Imohiosen/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 12/12/2009 02:44 PM  
Subject: Re: home retrofit proposals

Ok - do you sense that we can provide the doc and then answer questions from the cmte?

Sent from my Blackberry Wireless Device

----- Original Message -----

From: David McIntosh

Sent: 12/12/2009 02:12 PM EST

To: ganesan.arvin@epa.gov; goffman.joseph@epa.gov; Charles Imohiosen; Bob Sussman

Subject: home retrofit proposals

Hi Arvin, Joe, Charles, and Bob:

**Deliberative**

Thanks,  
David

**To:** CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard  
Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;"Arvin Ganesan"  
[ganesan.arvin@epa.gov]; Arvin Ganesan" [ganesan.arvin@epa.gov]; goffman joseph"  
[goffman.joseph@epa.gov]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Charles Imohiosen/OU=DC/O=USEPA/C=US  
**Sent:** Sat 12/12/2009 9:58:04 PM  
**Subject:** Re: home retrofit proposals

I just spoke with Nikki Buffa at CEQ.

**Deliberative**

# Deliberative

Regards,

Charles

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry

----- Original Message -----

From: Diane Thompson

Sent: 12/12/2009 03:16 PM EST

To: Bob Sussman; Arvin Ganesan; Richard Windsor

Cc: Charles Imohiosen; David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe

Subject: Re: home retrofit proposals

I agree with David. I think Charles and OAR have material that wld be responsive to E and C. DT

----- Original Message -----

From: Bob Sussman

Sent: 12/12/2009 02:59 PM EST

To: Arvin Ganesan

Cc: Charles Imohiosen; David McIntosh; "ganesan arvin" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe; Diane Thompson

Subject: Re: home retrofit proposals

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Arvin Ganesan/DC/USEPA/US

To: David McIntosh/DC/USEPA/US@EPA, "ganesan arvin" <ganesan.arvin@epa.gov>, "goffman joseph" <goffman.joseph@epa.gov>, Charles Imohiosen/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA

Date: 12/12/2009 02:44 PM

Subject: Re: home retrofit proposals

Ok - do you sense that we can provide the doc and then answer questions from the cmte?

Sent from my Blackberry Wireless Device

----- Original Message -----

From: David McIntosh

Sent: 12/12/2009 02:12 PM EST

To: ganesan.arvin@epa.gov; goffman.joseph@epa.gov; Charles Imohiosen; Bob Sussman

Subject: home retrofit proposals

Hi Arvin, Joe, Charles, and Bob:

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Thanks,  
David

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;"Arvin Ganesan" [ganesan.arvin@epa.gov]; Arvin Ganesan" [ganesan.arvin@epa.gov]; goffman joseph" [goffman.joseph@epa.gov]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Sat 12/12/2009 11:47:56 PM  
**Subject:** Re: home retrofit proposals

The energy and commerce briefing came about as a result of some conversations I was having with House leadership. Pelosi's staff essentially asked Waxman's staff to ask us in to brief. They asked me and I said we would this upcoming week.

Deliberative

Sent from my Blackberry Wireless Device

----- Original Message -----

From: Richard Windsor  
Sent: 12/12/2009 06:41 PM EST  
To: Charles Imohiosen; Diane Thompson; Bob Sussman; Arvin Ganesan  
Cc: David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe  
Subject: Re: home retrofit proposals  
Who requested the Energy and Commerce briefing? Who agreed to do it? I don't necessarily believe that we should cancel a mtg with them if it was requested by the Committee.

----- Original Message -----

From: Charles Imohiosen  
Sent: 12/12/2009 04:58 PM EST  
To: Diane Thompson; Bob Sussman; Arvin Ganesan; Richard Windsor  
Cc: David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe  
Subject: Re: home retrofit proposals  
I just spoke with Nikki Buffa at CEQ.

Deliberative

# Deliberative

Regards,

Charles

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry

----- Original Message -----

From: Diane Thompson  
Sent: 12/12/2009 03:16 PM EST  
To: Bob Sussman; Arvin Ganesan; Richard Windsor  
Cc: Charles Imohiosen; David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe  
Subject: Re: home retrofit proposals  
I agree with David. I think Charles and OAR have material that wld be responsive to E and C. DT

----- Original Message -----

From: Bob Sussman  
Sent: 12/12/2009 02:59 PM EST  
To: Arvin Ganesan  
Cc: Charles Imohiosen; David McIntosh; "ganesan arvin" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe; Diane Thompson  
Subject: Re: home retrofit proposals

**Deliberative**



**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Arvin Ganesan/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, "ganesan arvin" <ganesan.arvin@epa.gov>, "goffman joseph" <goffman.joseph@epa.gov>, Charles Imohiosen/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 12/12/2009 02:44 PM  
Subject: Re: home retrofit proposals

Ok - do you sense that we can provide the doc and then answer questions from the cmte?

Sent from my Blackberry Wireless Device

----- Original Message -----

From: David McIntosh

Sent: 12/12/2009 02:12 PM EST

To: ganesan.arvin@epa.gov; goffman.joseph@epa.gov; Charles Imohiosen; Bob Sussman

Subject: home retrofit proposals

Hi Arvin, Joe, Charles, and Bob:

**Deliberative**

**Deliberative**

Thanks,  
David

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Arvin Ganesan" [ganesan.arvin@epa.gov]; goffman joseph" [goffman.joseph@epa.gov]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Sun 12/13/2009 12:00:08 AM  
**Subject:** Re: home retrofit proposals

## Deliberative

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/12/2009 06:49 PM EST  
**To:** Arvin Ganesan; Charles Imohiosen; Diane Thompson; Bob Sussman  
**Cc:** David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe  
**Subject:** Re: home retrofit proposals

### Deliberative

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 12/12/2009 06:47 PM EST  
**To:** Richard Windsor; Charles Imohiosen; Diane Thompson; Bob Sussman  
**Cc:** David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe  
**Subject:** Re: home retrofit proposals

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### Deliberative

Sent from my Blackberry Wireless Device

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From: Richard Windsor

Sent: 12/12/2009 06:41 PM EST

To: Charles Imohiosen; Diane Thompson; Bob Sussman; Arvin Ganesan

Cc: David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>;  
Gina McCarthy; Bob Perciasepe

Subject: Re: home retrofit proposals

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----- Original Message -----

From: Charles Imohiosen

Sent: 12/12/2009 04:58 PM EST

To: Diane Thompson; Bob Sussman; Arvin Ganesan; Richard Windsor

Cc: David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>;  
Gina McCarthy; Bob Perciasepe

Subject: Re: home retrofit proposals

I just spoke with Nikki Buffa at CEQ.

**Deliberative**

# Deliberative

Regards,

Charles

Charles Imohiosen

Office of the Administrator

US Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry

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From: Diane Thompson

Sent: 12/12/2009 03:16 PM EST

To: Bob Sussman; Arvin Ganesan; Richard Windsor

Cc: Charles Imohiosen; David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe

Subject: Re: home retrofit proposals

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----- Original Message -----

From: Bob Sussman

Sent: 12/12/2009 02:59 PM EST

To: Arvin Ganesan

Cc: Charles Imohiosen; David McIntosh; "ganesan arvin" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe; Diane Thompson

Subject: Re: home retrofit proposals

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Arvin Ganesan/DC/USEPA/US

To: David McIntosh/DC/USEPA/US@EPA, "ganesan arvin" <ganesan.arvin@epa.gov>, "goffman joseph" <goffman.joseph@epa.gov>, Charles Imohiosen/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA

Date: 12/12/2009 02:44 PM

Subject: Re: home retrofit proposals

Ok - do you sense that we can provide the doc and then answer questions from the cmte?

Sent from my Blackberry Wireless Device

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From: David McIntosh

Sent: 12/12/2009 02:12 PM EST

To: ganesan.arvin@epa.gov; goffman.joseph@epa.gov; Charles Imohiosen; Bob Sussman

Subject: home retrofit proposals

Hi Arvin, Joe, Charles, and Bob:

**Deliberative**

Thanks,  
David

**To:** CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "Arvin Ganesan" [Ganesan.Arvin@EPA.GOV]; goffman joseph" [goffman.joseph@epa.gov]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Charles Imohiosen/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/14/2009 2:11:34 AM  
**Subject:** Re: home retrofit proposals

The below comes from Nikki Buffa at CEQ:

**Deliberative**

# Deliberative

It sounds like we will need to decide early tomorrow morning whether we wish to flag any of these (or any other) issues for CEQ.

Regards,

Charles

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry

----- Original Message -----

From: Gina McCarthy

Sent: 12/13/2009 06:38 PM EST

To: David McIntosh; Richard Windsor; Arvin Ganesan; Charles Imohiosen; Diane Thompson; Bob Sussman

Cc: "Arvin Ganesan" <Ganesan.Arvin@EPA.GOV>; "goffman joseph" <goffman.joseph@epa.gov>; Bob Perciasepe

Subject: Re: home retrofit proposals

**Deliberative**

----- Original Message -----

From: David McIntosh

Sent: 12/12/2009 07:00 PM EST

To: Richard Windsor; Arvin Ganesan; Charles Imohiosen; Diane Thompson; Bob Sussman

Cc: "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe

Subject: Re: home retrofit proposals

**Deliberative**

----- Original Message -----

From: Richard Windsor

Sent: 12/12/2009 06:49 PM EST

To: Arvin Ganesan; Charles Imohiosen; Diane Thompson; Bob Sussman

Cc: David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe

Subject: Re: home retrofit proposals

**Deliberative**

----- Original Message -----

From: Arvin Ganesan

Sent: 12/12/2009 06:47 PM EST

To: Richard Windsor; Charles Imohiosen; Diane Thompson; Bob Sussman

Cc: David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe

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this upcoming week.

**Deliberative**

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Sent: 12/12/2009 06:41 PM EST

To: Charles Imohiosen; Diane Thompson; Bob Sussman; Arvin Ganesan

Cc: David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe

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From: Charles Imohiosen

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To: Diane Thompson; Bob Sussman; Arvin Ganesan; Richard Windsor

Cc: David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe

Subject: Re: home retrofit proposals

I just spoke with Nikki Buffa at CEQ.

**Deliberative**

# Deliberative

Regards,

Charles

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

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Sent via Blackberry

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From: Diane Thompson  
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To: Bob Sussman; Arvin Ganesan; Richard Windsor  
Cc: Charles Imohiosen; David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe  
Subject: Re: home retrofit proposals  
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----- Original Message -----

From: Bob Sussman  
Sent: 12/12/2009 02:59 PM EST  
To: Arvin Ganesan  
Cc: Charles Imohiosen; David McIntosh; "ganesan arvin" <ganesan.arvin@epa.gov>; "goffman joseph" <goffman.joseph@epa.gov>; Gina McCarthy; Bob Perciasepe; Diane Thompson  
Subject: Re: home retrofit proposals

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Arvin Ganesan/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, "ganesan arvin" <ganesan.arvin@epa.gov>, "goffman joseph" <goffman.joseph@epa.gov>, Charles Imohiosen/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 12/12/2009 02:44 PM  
Subject: Re: home retrofit proposals

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----- Original Message -----

From: David McIntosh

Sent: 12/12/2009 02:12 PM EST

To: ganesan.arvin@epa.gov; goffman.joseph@epa.gov; Charles Imohiosen; Bob Sussman

Subject: home retrofit proposals

Hi Arvin, Joe, Charles, and Bob:

**Deliberative**

Thanks,  
David

**To:** "Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov];  
erciaspe.Bob@epamail.epa.gov;Fulton.Scott@epamail.epa.gov;"Lawrence Elworth"  
[Elworth.Lawrence@epamail.epa.gov]; ulton.Scott@epamail.epa.gov;"Lawrence Elworth"  
[Elworth.Lawrence@epamail.epa.gov]; Lawrence Elworth" [Elworth.Lawrence@epamail.epa.gov];  
Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov]; Arvin Ganesan"  
[Ganesan.Arvin@epamail.epa.gov]  
**Cc:** "Peter Silva" [Silva.Peter@epamail.epa.gov]; Chuck Fox"  
[Fox.Chuck@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/14/2009 12:10:50 PM  
**Subject:** Fw: Status of CAFO settlement talks and litigation

Lisa et al. We have negotiated a settlement in principle with the environmental community of litigation  
challenging the Bush CAFO water permitting rule. **Deliberative**

# Deliberative

----- Original Message -----

From: Steven Neugeboren

Sent: 12/13/2009 09:01 PM EST

To: Peter Silva; Bob Sussman; Scott Fulton

Cc: Avi Garbow; Mary-Kay Lynch; Mike Shapiro; Gregory Peck; Jim Hanlon; Randy Hill; Linda Boornazian;  
Allison Wiedeman; Rebecca Roose; George Utting; MaryEllen Levine; Sylvia Horwitz

Subject: Status of CAFO settlement talks and litigation

Pete, Bob and Scott

We wanted to give you an update on settlement discussions that we've had with environmental petitioners in the CAFO litigation and a general litigation update. OGC and OWM and the Department of Justice have been engaged in settlement negotiations with the Environmental Petitioners challenging the 2008 CAFO Rule (NRDC, Waterkeeper Alliance and Sierra Club) for the past several months. We have now reached an agreement "in principle" with counsel for those petitioners, which is reflected in the attached settlement communication.

The next steps are to draft a settlement agreement that includes the agreed-up terms, and which addresses such issues as dismissal of the petition for review of the 2008 rule, attorney fees, and remedies if commitments are not fulfilled. Attorneys fees would be paid from the Judgment Fund and not from EPA's appropriation. Once a settlement agreement is drafted to the satisfaction of the parties, it will be circulated for senior management formal concurrence and OMB review.

To summarize, the terms of settlement call for--

# Attorney Client

# Attorney Client

## Litigation Update

All of the petitions challenge the 2008 CAFO rule, and one of the petitions, filed by Poultry Petitioners, also challenged three EPA letters sent after the rule was promulgated. The 5th Circuit ordered one joint brief on the challenge to the rule to be filed by Industry Petitioners, and one brief by Environmental Petitioners, and one separate brief by Poultry Petitioners on the letters. EPA's response brief is due on February 19, 2010.

While the opening briefs by all petitioners were filed on Monday, December 7, we jointly with the environmental petitioners a motion to sever their petition and hold it in abeyance during the settlement process. Without waiting for briefing on the motion, the court last week severed the environmental petitioners' petition and dismissed it without prejudice, allowing for reinstatement by either party within 180 days. That means we have some time to see how this plays out, hopefully by successfully reaching a final settlement.

Let us know if you have any questions.

Steve Neugeboren  
Associate General Counsel  
Water Law Office  
EPA Office of General Counsel  
202-564-5488  
fax 202-564-5477

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA,"Scott Fulton"  
[Fulton.Scott@epamail.epa.gov]; Scott Fulton" [Fulton.Scott@epamail.epa.gov]; David McIntosh"  
[mcintosh.david@epa.gov]; Sarah Pallone" [pallone.sarah@epa.gov]; Bob Perciasepe"  
[Perciasepe.Bob@epamail.epa.gov]; Peter Silva" [Silva.Peter@epamail.epa.gov]; Diane  
Thompson" [thompson.diane@epa.gov]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/14/2009 12:37:16 PM  
**Subject:** Re: Inside EPA article

I don't know enough about this issue to have an opinion as to the right moment to notify the construction trade unions and Labor Department political leadership of the issue. But I just recommend that we be asking ourselves when would be the right time to do that.

From: Richard Windsor/DC/USEPA/US  
To: Craig Hooks/DC/USEPA/US@EPA  
Cc: "Sarah Pallone" <pallone.sarah@epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>, "Peter Silva" <Silva.Peter@epamail.epa.gov>  
Date: 12/14/2009 07:32 AM  
Subject: Re: Inside EPA article

Looping in Sarah. We need to alert the NGA, DGA and ECOS today. Program needs to alert the state drinking water and wastewater agencies to let them know we are reconsidering this. Otherwise, we may see demagoguery and piling on. Tx, Lisa

----- Original Message -----

From: Craig Hooks  
Sent: 12/14/2009 05:58 AM EST  
To: "Scott Fulton" <fulton.scott@epa.gov>; Peter Silva; "Susie Hazen" <hazen.susan@epa.gov>; "Mike Shapiro" <shapiro.mike@epa.gov>; "Nanci Gelb" <gelb.nanci@epa.gov>; "Cynthia Dougherty" <dougherty.cynthia@epa.gov>; Jim Hanlon; "Howard Corcoran" <corcoran.howard@epa.gov>; "Denise Benjamin-Sirmons" <benjamin-sirmons.denise@epa.gov>  
Cc: "Sherry Kaschak" <kaschak.sherry@epa.gov>; "Marian Cooper" <cooper.marian@epa.gov>; Jordan Dorfman; Joanne Hogan; Arvin Ganesan  
Subject: Inside EPA article  
An abstract from Today's Inside EPA. We knew the legal risk was high on this. We need to reconfirm (today, if possible) this is the best approach on the 2010 approps language. Thx.

-----  
States Warn EPA Davis-Bacon Policy Violates Water Infrastructure Rules

State sources are warning that a recently issued EPA policy memo applying the Davis-Bacon prevailing wage law to drinking water and wastewater infrastructure projects is unnecessarily broad and violates federal regulations limiting such requirements only to federal funds, raising the possibility that states may sue EPA over the policy



**To:** "Lisa Jackson" [windsor.richard@epa.gov]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US;"Lisa Heinzerling" [Heinzerling.lisa@epa.gov]; Lisa Heinzerling" [Heinzerling.lisa@epa.gov]; N=Bob Sussman/OU=DC/O=USEPA/C=US;"Charles Imohiosen" [Imohiosen.Charles@epamail.epa.gov]; Charles Imohiosen" [Imohiosen.Charles@epamail.epa.gov]; N=David McIntosh/OU=DC/O=USEPA/C=US;"Diane Thompson" [thompson.diane@epa.gov]; Diane Thompson" [thompson.diane@epa.gov]; Bob Perciasepe" [Perciasepe.Bob@epamail.epa.gov]  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/14/2009 6:10:22 PM  
**Subject:** Fw: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

Just FYI.

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]  
Sent: 12/14/2009 01:06 PM EST  
To: Seth Oster  
Subject: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

THE WHITE HOUSE

Office of the Vice President

FOR IMMEDIATE RELEASE

December 14, 2009

TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

**\*\*Call is Embargoed for 12:00 AM EST\*\***

WASHINGTON – TODAY at 3:45pm ET, Chief Economic Adviser to the Vice President Jared Bernstein and Director of the White House Office of Energy and Climate Change Policy Carol Browner will hold a conference call with reporters to discuss the Vice President's memo to the President on Administration progress building a clean energy economy through the Recovery Act and other initiatives. The memo was produced at the request of the Vice President by the White House Office of Energy and Climate Change, the Office of the Vice President, the Council of Economic Advisors and the Department of Energy.

WHO: Jared Bernstein, Chief Economic Adviser to the Vice President



Carol Browner, Director of the White House Office of Energy and Climate Change Policy

WHAT: Conference Call on Vice President's memo to the President on Clean Energy Progress

WHEN: TODAY, 3:45pm ET

EMBARGOED FOR 12:00 PM ET

HOW: Reporters wishing to join this call should use the call information below. No pass code is necessary.

United States: (800) 230-1092

International: (612) 234-9959

##

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/14/2009 7:04:05 PM  
**Subject:** Re: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

"Huh," is right. Thought someone might explain this to me. Going to try and call in if the faith-based mtg is over. Otherwise will have someone do so.

From: Richard Windsor  
Sent: 12/14/2009 01:39 PM EST  
To: Seth Oster  
Subject: Re: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

Huh? You calling in?

From: Seth Oster  
Sent: 12/14/2009 01:10 PM EST  
To: "Lisa Jackson" <windsor.richard@epa.gov>; Arvin Ganesan; "Lisa Heinzerling" <Heinzerling.lisa@epa.gov>; Bob Sussman; Charles Imohiosen; David McIntosh; "Diane Thompson" <thompson.diane@epa.gov>; Bob Perciasepe  
Subject: Fw: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

Just FYI.

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]  
Sent: 12/14/2009 01:06 PM EST  
To: Seth Oster  
Subject: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

THE WHITE HOUSE

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December 14, 2009

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WHO: Jared Bernstein, Chief Economic Adviser to the Vice President

Carol Browner, Director of the White House Office of Energy and Climate Change Policy

WHAT: Conference Call on Vice President's memo to the President on Clean Energy Progress

WHEN: TODAY, 3:45pm ET

EMBARGOED FOR 12:00 PM ET

HOW: Reporters wishing to join this call should use the call information below. No pass code is necessary.

United States: (800) 230-1092

International: (612) 234-9959

##

**To:**

windsor.richard@epa.gov;mccarthy.gina@epa.gov;depass.michelle@epa.gov;vajjhala.shalini@epa.gov[]; ccarthy.gina@epa.gov;depass.michelle@epa.gov;vajjhala.shalini@epa.gov[]; epass.michelle@epa.gov;vajjhala.shalini@epa.gov[]; ajjhala.shalini@epa.gov[]

**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US

**Sent:** Mon 12/14/2009 7:46:27 PM

**Subject:** Fw: GOP ENR: Murkowski to speak against EPA endangerment finding

[091214Media advisory.doc](#)

[Robert\\_dillon@energy.senate.gov](mailto:Robert_dillon@energy.senate.gov)

[anne\\_johnson@energy.senate.gov](mailto:anne_johnson@energy.senate.gov)

<http://energy.senate.gov/public/>

(embedded image)

FYI. She's proposing to use the Congressional Review Act. She'll get nowhere with it. It's just a platform for speechifying. I'd so much rather be facing this right now than another appropriations amendment. I'll draft a measured quote for Adora. Shalini, please just give JP a heads up.

----- Original Message -----

From: Brendan Gilfillan

Sent: 12/14/2009 02:33 PM EST

To: Seth Oster <oster.seth@epa.gov>; David McIntosh; Lisa Heinzerling

Cc: Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara

Subject: Fw: GOP ENR: Murkowski to speak against EPA endangerment finding

Please see the below release. I'm no constitutional lawyer, but can the Senate veto an endangerment finding? Do we even want to respond to this? If so, my inclination would be to say something along the lines of "EPA issued its endangerment finding in response to a ruling by the highest court in the land. Administrator Jackson continues to believe the Agency's actions will complement comprehensive legislation that puts America back in control of our economic future and creates millions of jobs that can't be outsourced."

----- Forwarded by Brendan Gilfillan/DC/USEPA/US on 12/14/2009 02:26 PM -----

From: Adora Andy/DC/USEPA/US

To: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>

Date: 12/14/2009 02:15 PM

Subject: Fw: GOP ENR: Murkowski to speak against EPA endangerment finding

From: "Robin Bravender" [rbravender@eenews.net]

Sent: 12/14/2009 02:06 PM EST

To: Adora Andy; Cathy Milbourn

Subject: FW: GOP ENR: Murkowski to speak against EPA endangerment finding

Hello, I am working on a story for this afternoon about Sen. Murkowski's resolution to veto EPA's endangerment finding. I wonder if you have a comment. My deadline is 4:30 p.m.

Thanks so much,

Robin Bravender

Reporter  
Greenwire · E&E Daily · E&ENews PM  
122 C St., NW, Ste. 722  
Washington, D.C. 20001  
202-446-0458  
[Personal Privacy] (c)  
www.eenews.net

From: Dillon, Robert (Energy) [mailto:Robert\_Dillon@energy.senate.gov]  
Sent: Monday, December 14, 2009 11:29 AM  
Subject: GOP ENR: Murkowski to speak against EPA endangerment finding

FOR IMMEDIATE RELEASE                      CONTACT: ROBERT DILLON (202) 224-6977  
DECEMBER 14, 2009                                      or ANNE JOHNSON (202) 224-7875  
Media Advisory

WASHINGTON, D.C. – U.S. Sen. Lisa Murkowski, R-Alaska, is scheduled to speak on the Senate floor at 3:30 p.m. today in opposition to the Environmental Protection Agency's endangerment finding. Murkowski will announce her plan to introduce a disapproval resolution to veto EPA regulation of greenhouse gases under the Clean Air Act.

A copy of her floor speech will be made available immediately following her remarks.

####

For further information, please contact Robert Dillon at 202.224.6977 or Robert\_dillon@energy.senate.gov or Anne Johnson at 202.224.7875 or anne\_johnson@energy.senate.gov.  
Visit our website at <http://energy.senate.gov/public/>

Robert Dillon  
Senate Energy and Natural Resources Committee  
Office: (202) 224 6977  
Cell: [Personal Privacy]  
E-mail: Robert\_Dillon@energy.senate.gov



**To:** CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Seth Oster" [Oster.Seth@epamail.epa.gov]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Seth Oster" [Oster.Seth@epamail.epa.gov]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Seth Oster" [Oster.Seth@epamail.epa.gov]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Seth Oster" [Oster.Seth@epamail.epa.gov]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Seth Oster" [Oster.Seth@epamail.epa.gov]; Seth Oster" [Oster.Seth@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/14/2009 7:53:08 PM  
**Subject:** Re: Conversation with Cass re Action Plans

A few reactions:

# Deliberative

----- Original Message -----

From: Steve Owens

Sent: 12/14/2009 02:28 PM EST

To: Bob Sussman; Bob Perciasepe; Diane Thompson; Lisa Heinzerling; Richard Windsor

Subject: Conversation with Cass re Action Plans

I just spoke to Cass. He said several things:

First, several agencies have asked for extensions of time to review the action plans. Cass said he has not decided whether to grant the requests or how much time to give them, but that he was leaning toward giving them until sometime next week to complete their reviews.

Second, OMB has been getting direction from the White House to go slow on any "news making" announcements in terms of new rules, etc., right now that might distract from the generic message (jobs, etc.) that the WH wants to promote. Cass said that OMB is "sitting on" several rules and other items until after the first of the year. Based on the discussion about BPA last Friday night, Cass thinks the other chemicals covered in the action plans should be considered in the same light as BPA and perhaps be held until sometime in January, if then.

Finally, OIRA might have questions about the plans and might not be in a position to sign off on them this

week, even if the above two considerations were not present.

I told Cass that to my knowledge the Administrator was still focused on making the announcement this week and that I would have to communicate with the Administrator's office about the situation, which I am now doing. Cass said that he would be happy to talk with the Administrator about this if that would be appropriate.



**To:** windsor.richard@epa.gov[]  
**Cc:** mccarthy.gina@epa.gov[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/14/2009 7:53:31 PM  
**Subject:** Fw: GOP ENR: Murkowski to speak against EPA endangerment finding  
[Robert\\_dillon@energy.senate.gov](mailto:Robert_dillon@energy.senate.gov)  
[anne\\_johnson@energy.senate.gov](mailto:anne_johnson@energy.senate.gov)  
<http://energy.senate.gov/public/>  
(embedded image)

Immediately below is the draft quote that I just sent to OPA.

----- Original Message -----

**From:** David McIntosh  
**Sent:** 12/14/2009 02:51 PM EST  
**To:** Brendan Gilfillan; "Seth Oster" <oster.seth@epa.gov>; Lisa Heinzerling  
**Cc:** Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara  
**Subject:** Re: GOP ENR: Murkowski to speak against EPA endangerment finding  
"The United States Supreme Court ordered EPA two-and-a-half years ago to answer the endangerment question. For EPA to have answered it any other way than in the affirmative would have been to deny, with no basis whatsoever, a fact that is recognized by overwhelming scientific consensus and that is increasingly playing out before our very eyes."

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 12/14/2009 02:33 PM EST  
**To:** Seth Oster <oster.seth@epa.gov>; David McIntosh; Lisa Heinzerling  
**Cc:** Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara  
**Subject:** Fw: GOP ENR: Murkowski to speak against EPA endangerment finding  
Please see the below release. I'm no constitutional lawyer, but can the Senate veto an endangerment finding? Do we even want to respond to this? If so, my inclination would be to say something along the lines of "EPA issued its endangerment finding in response to a ruling by the highest court in the land. Administrator Jackson continues to believe the Agency's actions will complement comprehensive legislation that puts America back in control of our economic future and creates millions of jobs that can't be outsourced."

----- Forwarded by Brendan Gilfillan/DC/USEPA/US on 12/14/2009 02:26 PM -----

**From:** Adora Andy/DC/USEPA/US  
**To:** "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>  
**Date:** 12/14/2009 02:15 PM  
**Subject:** Fw: GOP ENR: Murkowski to speak against EPA endangerment finding

**From:** "Robin Bravender" [rbravender@eenews.net]  
**Sent:** 12/14/2009 02:06 PM EST  
**To:** Adora Andy; Cathy Milbourn

Subject: FW: GOP ENR: Murkowski to speak against EPA endangerment finding

Hello, I am working on a story for this afternoon about Sen. Murkowski's resolution to veto EPA's endangerment finding. I wonder if you have a comment. My deadline is 4:30 p.m.

Thanks so much,

Robin Bravender  
Reporter  
Greenwire · E&E Daily · E&ENews PM  
122 C St., NW, Ste. 722  
Washington, D.C. 20001  
202-446-0458  
Personal Privacy (c)  
www.eenews.net

From: Dillon, Robert (Energy) [mailto:Robert\_Dillon@energy.senate.gov]  
Sent: Monday, December 14, 2009 11:29 AM  
Subject: GOP ENR: Murkowski to speak against EPA endangerment finding

FOR IMMEDIATE RELEASE                      CONTACT: ROBERT DILLON (202) 224-6977  
DECEMBER 14, 2009                                      or ANNE JOHNSON (202) 224-7875  
Media Advisory

WASHINGTON, D.C. – U.S. Sen. Lisa Murkowski, R-Alaska, is scheduled to speak on the Senate floor at 3:30 p.m. today in opposition to the Environmental Protection Agency's endangerment finding. Murkowski will announce her plan to introduce a disapproval resolution to veto EPA regulation of greenhouse gases under the Clean Air Act.

A copy of her floor speech will be made available immediately following her remarks.

####

For further information, please contact Robert Dillon at 202.224.6977 or Robert\_dillon@energy.senate.gov or Anne Johnson at 202.224.7875 or anne\_johnson@energy.senate.gov.  
Visit our website at <http://energy.senate.gov/public/>

Robert Dillon  
Senate Energy and Natural Resources Committee  
Office: (202) 224 6977  
Cell: Personal Privacy  
E-mail: Robert\_Dillon@energy.senate.gov

[attachment "091214Media advisory.doc" deleted by David McIntosh/DC/USEPA/US]



**To:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;"Lisa Jackson" [windsor.richard@epa.gov]; Lisa Jackson" [windsor.richard@epa.gov]; Gina (Sheila) McCarthy" [mccarthy.gina@epa.gov]; Michelle DePass" [depass.michelle@epa.gov]; vajjhala shalini" [vajjhala.shalini@epa.gov]  
**From:** CN=Richard Windsor/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/14/2009 8:19:40 PM  
**Subject:** Re: GOP ENR: Murkowski to speak against EPA endangerment finding  
[Robert\\_dillon@energy.senate.gov](mailto:Robert_dillon@energy.senate.gov)  
[anne\\_johnson@energy.senate.gov](mailto:anne_johnson@energy.senate.gov)  
<http://energy.senate.gov/public/>  
(embedded image)

Tx

----- Original Message -----

**From:** David McIntosh  
**Sent:** 12/14/2009 02:46 PM EST  
**To:** windsor.richard@epa.gov; mccarthy.gina@epa.gov; depass.michelle@epa.gov; vajjhala.shalini@epa.gov  
**Subject:** Fw: GOP ENR: Murkowski to speak against EPA endangerment finding  
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**From:** Brendan Gilfillan  
**Sent:** 12/14/2009 02:33 PM EST  
**To:** Seth Oster <oster.seth@epa.gov>; David McIntosh; Lisa Heinzerling  
**Cc:** Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara  
**Subject:** Fw: GOP ENR: Murkowski to speak against EPA endangerment finding  
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**From:** Adora Andy/DC/USEPA/US  
**To:** "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>  
**Date:** 12/14/2009 02:15 PM  
**Subject:** Fw: GOP ENR: Murkowski to speak against EPA endangerment finding

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**To:** Adora Andy; Cathy Milbourn

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Washington, D.C. 20001  
202-446-0458  

Personal Privacy (c)

  
www.eenews.net

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Sent: Monday, December 14, 2009 11:29 AM  
Subject: GOP ENR: Murkowski to speak against EPA endangerment finding

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DECEMBER 14, 2009    or ANNE JOHNSON (202) 224-7875  
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For further information, please contact Robert Dillon at 202.224.6977 or Robert\_dillon@energy.senate.gov or Anne Johnson at 202.224.7875 or anne\_johnson@energy.senate.gov.  
Visit our website at <http://energy.senate.gov/public/>

Robert Dillon  
Senate Energy and Natural Resources Committee  
Office: (202) 224 6977  
Cell: 

Personal Privacy

  
E-mail: Robert\_Dillon@energy.senate.gov

[attachment "091214Media advisory.doc" deleted by Richard Windsor/DC/USEPA/US]



**To:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** []

**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US

**Sent:** Mon 12/14/2009 8:48:29 PM

**Subject:** Fw: EMBARGOED: Vice President Memo Lays Out Progress on Building an American Clean Energy Economy

[Vice President Memo On A Clean Energy Economy 12 14 09.pdf](#)

Per my other email, attached is the memo Browner will be speaking about.

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 12/14/2009 03:47 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
To: Seth Oster/DC/USEPA/US@EPA  
Date: 12/14/2009 03:44 PM  
Subject: EMBARGOED: Vice President Memo Lays Out Progress on Building an American Clean Energy Economy

THE WHITE HOUSE  
Office of the Vice President  
EMBARGOED UNTIL MIDNIGHT EST  
December 14, 2009

Attached is the memorandum referenced during today's conference call on Clean Energy Progress held by Chief Economic Adviser to the Vice President Jared Bernstein and Director of the White House Office of Energy and Climate Change Policy Carol Browner. The memorandum is from the Vice President to the President on the administration's progress in building a clean energy economy through the Recovery Act and other initiatives. The memo was produced at the request of the Vice President by the White House Office of Energy and Climate Change, the Office of the Vice President, the Council of Economic Advisors and the Department of Energy. The attached memorandum and the conference call is embargoed until midnight EST.

###



**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Mon 12/14/2009 9:15:04 PM  
**Subject:** Re: Fw: EMBARGOED: Vice President Memo Lays Out Progress on Building an American Clean Energy Economy

The call took place. The comments from Jared Bernstein and Carol were on-the-record but are embargoed until midnight EST. The focus was on jobs. They talked about the usual issues, including the cash for caulkers program, home retrofits, etc.

The one question that came up about EPA was, "How does the EPA endangerment finding impact the legislative agenda and cap-n-trade?"

Carol responded -- she said the president remains committed to getting comprehensive energy legislation through the Congress -- the marketplace and American people need certainty -- EPAZ had a responsibility under the Supreme Court decision to look at the science and to make a determination. Administrator Jackson and her folks did exactly what they were required to do. If legislation is not enacted, EPA would have to follow through under the requirements of the Clean Air Act. We have seen other senators now stepping forward, including Kerry and Graham, to form an interesting bipartisan coalition. We'll continue to work with them as well as any other senators that want to craft a comprehensive bill.

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

**From:** Seth Oster/DC/USEPA/US  
**To:** David McIntosh/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Charles Imohiosen/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
**Date:** 12/14/2009 03:48 PM  
**Subject:** Fw: EMBARGOED: Vice President Memo Lays Out Progress on Building an American Clean Energy Economy

Per my other email, attached is the memo Browner will be speaking about.

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Office of Public Affairs  
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oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 12/14/2009 03:47 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
To: Seth Oster/DC/USEPA/US@EPA  
Date: 12/14/2009 03:44 PM  
Subject: EMBARGOED: Vice President Memo Lays Out Progress on Building an American Clean Energy Economy

THE WHITE HOUSE  
Office of the Vice President  
EMBARGOED UNTIL MIDNIGHT EST  
December 14, 2009

Attached is the memorandum referenced during today's conference call on Clean Energy Progress held by Chief Economic Adviser to the Vice President Jared Bernstein and Director of the White House Office of Energy and Climate Change Policy Carol Browner. The memorandum is from the Vice President to the President on the administration's progress in building a clean energy economy through the Recovery Act and other initiatives. The memo was produced at the request of the Vice President by the White House Office of Energy and Climate Change, the Office of the Vice President, the Council of Economic Advisors and the Department of Energy. The attached memorandum and the conference call is embargoed until midnight EST.

###[attachment "Vice President Memo On A Clean Energy Economy 12 14 09.pdf" deleted by Seth Oster/DC/USEPA/US]

**To:** "lisapjackson" Personal Privacy Lisa P. Jackson"  
[Windsor.Richard@epamail.epa.gov]; Bob Perciasepe" [Perciasepe.Bob@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/15/2009 3:36:02 AM  
**Subject:** Re: Google Alert - EPA Lisa jackson  
[EPA to spend \\$13 million to help stop Asian carp](#)  
[See all stories on this topic](#)  
[GHG Ruling Opens Door for EPA Limits](#)  
[See all stories on this topic](#)  
[Remembering the Kingston, Tenn., coal-ash disaster](#)  
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Pretty strong stuff. On further reflection, I'd at least like to get omb feedback to the analysis we've provided on the rule's benefits and state regulation of beneficial use. We have greatly strengthened the benefits case from what we had 2 weeks ago and can now credibly say we have benefits in the ballpark of the costs. I'd like to know what OMB and CEA think of our data, including the cancer risk numbers, which are pretty sobering. If we shut down communication until next year, we'll have only two weeks to come to closure. I think keeping the process moving at the staff level is consistent with your pitch to Orzag. We have a mtg set up with Cass et al on Thursday. Why not go ahead rather than cancel?

From: lisapjackson  
Sent: 12/15/2009 02:11 AM GMT  
To: Bob Perciasepe; Bob Sussman; Diane Thompson; Mathy Stanislaus  
Cc: Arvin Ganesan; David McIntosh  
Subject: Fw: Google Alert - EPA Lisa jackson

See 3rd article on coal ash. Let's review status at tomorrow morning's meeting so we can be sure we all are on the same page. Lj

Sent via BlackBerry by AT&T  
From: Google Alerts <googlealerts-noreply@google.com>  
Date: Tue, 15 Dec 2009 01:10:03 +0000  
To: <Personal Privacy>  
Subject: Google Alert - EPA Lisa jackson

Google News Alert for: EPA Lisa jackson

EPA to spend \$13 million to help stop Asian carp  
Milwaukee Journal Sentinel  
"The challenge at hand requires the immediate action we're taking today," Environmental Protection Agency boss Lisa P. Jackson said in a news release. "EPA ...  
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Transport Topics Online  
EPA Administrator Lisa Jackson announced the endangerment finding at a Dec. 7 news conference. The

announcement does not impose any new requirements on ...

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[Remembering the Kingston, Tenn., coal-ash disaster](#)

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[Lisa Jackson, the Obama administration's EPA administrator, has indicated her agency intends to have a proposed new rule on coal-ash disposal ready for ...](#)

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**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA:"lisapjackson"  
[Personal Privacy] lisapjackson" [Personal Privacy] N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA]  
**From:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/15/2009 4:19:04 AM  
**Subject:** Re: Google Alert - EPA Lisa jackson  
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# Deliberative

Bob Perciasepe  
Office of the Administrator  
(o)202 564 4711  
(c) [Personal Privacy]

From: Bob Sussman  
Sent: 12/14/2009 10:36 PM EST  
To: "lisapjackson" <[Personal Privacy]> Richard Windsor; Bob Perciasepe  
Subject: Re: Google Alert - EPA Lisa jackson

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closure. I think keeping the process moving at the staff level is consistent with your pitch to Orzag. We have a mtg set up with Cass et al on Thursday. Why not go ahead rather than cancel?

From: lisapjackson  
Sent: 12/15/2009 02:11 AM GMT  
To: Bob Perciasepe; Bob Sussman; Diane Thompson; Mathy Stanislaus  
Cc: Arvin Ganesan; David McIntosh  
Subject: Fw: Google Alert - EPA Lisa Jackson

See 3rd article on coal ash. Let's review status at tomorrow morning's meeting so we can be sure we all are on the same page. Lj

Sent via BlackBerry by ATP  
From: Google Alerts <googlealerts-noreply@google.com>  
Date: Tue, 15 Dec 2009 01:10:03 +0000  
To: <Personal Privacy>  
Subject: Google Alert - EPA Lisa Jackson

Google News Alert for: EPA Lisa Jackson

EPA to spend \$13 million to help stop Asian carp  
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"The challenge at hand requires the immediate action we're taking today," Environmental Protection Agency boss Lisa P. Jackson said in a news release. "EPA ...

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GHG Ruling Opens Door for EPA Limits

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EPA Administrator Lisa Jackson announced the endangerment finding at a Dec. 7 news conference. The announcement does not impose any new requirements on ...

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Charleston Gazette (blog)

Lisa Jackson, the Obama administration's EPA administrator, has indicated her agency intends to have a proposed new rule on coal-ash disposal ready for ...

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**To:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;"lisapjackson"  
**Personal Privacy** lisapjackson" **Personal Privacy** N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/15/2009 11:38:35 AM  
**Subject:** Re: Google Alert - EPA Lisa jackson  
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**From:** Bob Perciasepe  
**Sent:** 12/14/2009 11:19 PM EST  
**To:** Bob Sussman; "lisapjackson" <**Personal Privacy**>; Richard Windsor  
**Subject:** Re: Google Alert - EPA Lisa jackson

# Deliberative

Bob Perciasepe  
Office of the Administrator

(o)202 564 4711  
(c) [Personal Privacy]

From: Bob Sussman  
Sent: 12/14/2009 10:36 PM EST  
To: "lisapjackson" <[Personal Privacy]> Richard Windsor; Bob Perciasepe  
Subject: Re: Google Alert - EPA Lisa Jackson

Pretty strong stuff. On further reflection, I'd at least like to get omb feedback to the analysis we've provided on the rule's benefits and state regulation of beneficial use. We have greatly strengthened the benefits case from what we had 2 weeks ago and can now credibly say we have benefits in the ballpark of the costs. I'd like to know what OMB and CEA think of our data, including the cancer risk numbers, which are pretty sobering. If we shut down communication until next year, we'll have only two weeks to come to closure. I think keeping the process moving at the staff level is consistent with your pitch to Orzag. We have a mtg set up with Cass et al on Thursday. Why not go ahead rather than cancel?

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Sent: 12/15/2009 02:11 AM GMT  
To: Bob Perciasepe; Bob Sussman; Diane Thompson; Mathy Stanislaus  
Cc: Arvin Ganesan; David McIntosh  
Subject: Fw: Google Alert - EPA Lisa Jackson

See 3rd article on coal ash. Let's review status at tomorrow morning's meeting so we can be sure we all are on the same page. Lj

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To: <[Personal Privacy]>  
Subject: Google Alert - EPA Lisa Jackson

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**To:** "Lisa P. Jackson" [Windsor.Richard@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/15/2009 11:46:34 AM  
**Subject:** Fw: CCR (beneficial use - state laws)  
statebuprograms12.14.09.doc

Wanted to make sure you had this.

----- Original Message -----

From: Avi Garbow  
Sent: 12/14/2009 10:52 PM EST  
To: LisaP Jackson  
Cc: Robert Goulding; Scott Fulton; Mathy Stanislaus; Bob Sussman; Lisa Heinzerling  
Subject: CCR (beneficial use - state laws)  
Administrator,

At this afternoon's meeting on coal combustion residuals proposal, Mathy mentioned the fact that OGC has looked at the issue of state laws governing beneficial use of coal combustion residuals (or, coal combustion products (CCP) due to their re-used status). Attached, per your request, is our paper on that topic. Basically, we were trying here to address two issues raised at one time or another by OMB:

1. What might the impact of our current proposal be on beneficial uses given the fact that many states have their own statutes governing beneficial uses of coal combustion products; and
2. How might we address a claim that the beneficial use of CCP's would be adversely impacted by a stigma due to its association with a hazardous waste.

In short, our review of selected state laws shows that because

Attorney Client

# Attorney Client

Avi Garbow  
Deputy General Counsel  
U.S. Environmental Protection Agency  
(202) 564-1917

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Seth Oster" [oster.seth@epa.gov]; Seth Oster" [oster.seth@epa.gov]; N=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA;"David McIntosh" [mcintosh.david@epa.gov]; David McIntosh" [mcintosh.david@epa.gov]  
**Cc:** "Diane Thompson" [thompson.diane@epa.gov]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/15/2009 12:32:28 PM  
**Subject:** Re: 12.15.09 Daily Climate Change Talking Points--COP 15  
[mime.htm](#)  
[www.cop15.state.gov](#)  
<http://www.usda.gov/wps/portal/lut/p/s.7.0.A/7.0.1OB?contentidonly=true&contentid=2009/12/0611.xml>

That's the USDA-dairy industry MOU that Larry mentioned in yesterday's morning meeting. I had never heard anything about it, but later in the day the WH circulated a copy of it.

From: Richard Windsor  
Sent: 12/15/2009 07:25 AM EST  
To: "Seth Oster" <oster.seth@epa.gov>; Lawrence Elworth; "David McIntosh" <mcintosh.david@epa.gov>  
Cc: "Diane Thompson" <thompson.diane@epa.gov>  
Subject: Fw: 12.15.09 Daily Climate Change Talking Points--COP 15

The attaced talks about a "historic agreement with America's dairy farmers to reduce ghg emissions.". Any idea what that is?

From: Seth Oster  
Sent: 12/15/2009 07:12 AM EST  
To: Gina McCarthy; "Shalini Vajjhala" <vajjhala.shalini@epa.gov>  
Cc: "Lisa Jackson" <windsor.richard@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; David McIntosh; Michelle DePass  
Subject: Fw: 12.15.09 Daily Climate Change Talking Points--COP 15

From: Ben Kobren Personal Privacy  
Sent: 12/15/2009 02:53 AM EST  
To: PershingJ@state.gov; TalleyT@state.gov; ArtusioCF@state.gov; BodnarP@state.gov;

DeRosaBM@state.gov; GatesIN@state.gov; HannaSM@state.gov; HobgoodTD@state.gov;  
KastenbergRL@state.gov; KleinJM@state.gov; LarsenKM@state.gov; LeeDL2@state.gov; MiotkeJA@state.gov;  
NelsonDS@state.gov; PovenmireSL@state.gov; jack [Personal Privacy] VockerodtAP@state.gov;  
ZaitchikBF@state.gov; [Personal Privacy] Susan.Wilson@mail.doc.gov; [Personal Privacy]  
Rick.Duke@hq.doe.gov; Holmes.Hummel@hq.doe.gov; Elmer.Holt@hq.doe.gov; Leif Hockstad; Kimberly Klunich;  
Jennifer Jenkins; Maurice LeFranc; Shalini Vajjhala; ko.barrett@noaa.gov; William.pizer@do.treas.gov;  
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PedersonED@state.gov; TurkDM@state.gov; GrahamJM@state.gov; UrsDA@state.gov; BonnerMI@state.gov;  
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Sgilson@doc.gov; Jtoaleisen@doc.gov; Mary.Saunders@trade.gov; Tim\_Hartz@ios.doi.gov; Matt\_Lee-  
Ashley@ios.doi.gov; thomas\_strickland@ios.doi.gov; mcNutt@usgs.gov; Kit\_Batten@ios.doi.gov;  
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Chris.Mather@oc.usda.gov; Rohan.Patel@osec.usda.gov; David.Sandalow@hq.doe.gov;  
Matthew.Kallman@hq.doe.gov; Rod.OConnor@hq.doe.gov; Amy.Bodette@hq.doe.gov;  
Dan.Leistikow@hq.doe.gov; Devin.Hampton@hq.doe.gov; Peter.Gage@hq.doe.gov; Dan.Utech@hq.doe.gov;  
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John.R.Norris@osec.usda.gov; Renee\_Stone@ios.doi.gov; [Personal Privacy]  
Tom.Reynolds@hq.doe.gov; jrobertson@usgs.gov; [Personal Privacy] Laura Sauls; Seth Oster;  
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WebsterMA@state.gov; [Personal Privacy] hanssonm@state.gov;  
harrisve@state.gov; elbowsM@state.gov; parker-burnssM@state.gov; crockartka@state.gov;  
brancafortea@state.gov; bulbulcum@state.gov; cramaussele@state.gov; vandendriessches@state.gov;  
baldi@state.gov; ofstadk@state.gov; vermeirelm@state.gov; baxterda@state.gov; fordmg2@state.gov;  
macleanda@state.gov; thomsonat@state.gov; holtenp@state.gov; rudeac@state.gov; groenlundj@state.gov;  
musgravevh@state.gov; whittleseyjk@state.gov; [Personal Privacy]  
Jennifer.austin@noaa.gov; halle@state.gov; jen.stutsman@hq.doe.gov; jennifer.lee@hq.doe.gov;  
[Personal Privacy] WniffAD@state.gov; Kristina.Lohnson@ha.doe.gov;

## Personal Privacy

Subject: 12.15.09 Daily Climate Change Talking Points--COP 15

Colleagues,

Further following up on our effort to keep you informed of activities on the climate change front, please see below and attached for updated general U.S. climate change talking points and the message of the day.

Best,  
Ben

12.15.09

## U.S. CLIMATE CHANGE - GENERAL TALKING POINTS

### Message of the Day

During COP 15 the Obama administration is emphasizing its commitment to meeting the clean energy and climate change challenges through a message of the day. In order to highlight the message of the day, senior U.S. administration officials will hold a daily keynote event at COP 15 in the U.S. Center at 12:45 p.m. Copenhagen local time. Administration officials are encouraged to use the daily message during other public events. In addition, the events will be streamed live at [www.cop15.state.gov](http://www.cop15.state.gov)

Today's Message: Under President Obama, the United States is actively partnering with rural communities to create solutions for curbing greenhouse gases and preventing the worst impacts of climate change.

Event Title: Clean Energy Investments: Creating Opportunities for Rural Economies.

Who: Tom Vilsack, U.S. Secretary of Agriculture

Location: U.S. Center in the Bella Center, Copenhagen, Denmark

Time: 12:45 p.m. Copenhagen local time

Date: 12/15/09

Under President Obama, the United States is actively partnering with rural communities to create solutions for curbing greenhouse gases and preventing the worst impacts of climate change.

Climate change is one of the great challenges facing the United States and the world. But for our farmers, ranchers, and those who make a living off the land, the challenge presents unprecedented opportunities.

Rural economies will benefit from incentives in comprehensive energy legislation that reward production of renewable energy and sequestration of greenhouse gases.

A viable carbon offsets market – one that rewards farmers, ranchers, and forest landowners for stewardship activities – will play a very important role in helping America reduce its dependence on oil.

At the event, Secretary Vilsack will announce a historic agreement between USDA and America's dairy farmers to cut greenhouse gas emissions.

On Monday, the USDA released a report outlining the impact climate change will have on America's ecosystems. The report is available at the following link:  
[http://www.usda.gov/wps/portal/!ut/p/\\_s.7\\_0\\_A/7\\_0\\_10B?contentidonly=true&contentid=2009/12/0611.xml](http://www.usda.gov/wps/portal/!ut/p/_s.7_0_A/7_0_10B?contentidonly=true&contentid=2009/12/0611.xml)

#### Top Line Messages

- Under President Obama, the United States has done more to reduce greenhouse gas emissions than ever before, both by supporting domestic policies that advance clean energy, climate security, and economic recovery; and by vigorously engaging in international climate negotiations.
- But action by the United States and other developed countries is not enough. Climate change is a global challenge that demands a global solution. There is simply no way to preserve a safe and livable planet unless major developing countries play a globally responsible role along with the United States in the climate negotiations.
- The United States is committed to achieving the strongest possible outcome in Copenhagen.
- The White House announced on Friday that President Obama will travel to Copenhagen on Dec. 18 rather than December 9. Based on his conversations with other leaders and the progress that has already been made to give momentum to negotiations, the President believes that continued US leadership can be most productive through his participation at the end of the Copenhagen conference on December 18th rather than on December 9th to. The President's decision to go is a sign of his continuing commitment and leadership to find a global solution to climate change, and to lay the foundation for a new, sustainable and prosperous clean energy future.

- The President is also prepared, in the context of an overall agreement that includes robust mitigation contributions from China and other emerging economies, to put on the table a U.S. emissions reduction target in the range of 17% below 2005 levels in 2020 and ultimately in line with U.S. energy and climate legislation. This provisional target is in line with current legislation moving through Congress. The expected pathway set forth in this pending legislation would entail a 30% reduction below 2005 levels in 2025 and a 42% reduction in 2030, in line with the President's goal to reduce emissions 83% by 2050.

- In addition, the President recently discussed the status of the negotiations with Prime Minister Rudd, Chancellor Merkel, President Sarkozy, and Prime Minister Brown and concluded that there appears to be an emerging consensus that a core element of the Copenhagen accord should be to mobilize \$10 billion a year by 2012 to support adaptation and mitigation in developing countries, particularly the most vulnerable and least developed countries that could be destabilized by the impacts of climate change. The United States will pay its fair share of that amount and other countries will make substantial commitments as well.

Ultimately, an international climate agreement must be not just about limiting carbon emissions but must complement and promote sustainable economic development by moving the world toward a low-carbon economy.

## Latest Issues

### Senators Kerry, Graham and Lieberman Comprehensive Energy Framework Announcement

On Thursday, December 10, Senators Kerry, Lieberman and Graham announced a comprehensive Energy Framework.

The White House issued the following statement,

Today, Senators Kerry, Lieberman and Graham took another significant step in the effort to pass comprehensive energy reform with the release of their legislative framework. The President believes this is a positive development towards reaching a strong, unified and bipartisan agreement in the U.S. Senate.

Over the last 11 months, the Obama Administration has made historic strides in building a clean energy economy,

creating new American jobs and reducing US dependence on foreign oil. From robust domestic actions including historic investments in clean energy to sustained international engagement to encourage countries around the world to reduce their carbon emissions, the President has established a new energy foundation. The passage of comprehensive energy legislation is essential to that effort.

In a demonstration of the growing consensus surrounding the need to reform our energy economy, the President heard from CEOs yesterday who told him that passing clean energy legislation and supporting an international accord to reduce emissions will strengthen our economy and enhance our competitiveness.

The President looks forward to working with the Senate and signing comprehensive energy and climate legislation as soon as possible.

#### EPA endangerment finding

- The President has made clear his strong preference that Congress pass comprehensive energy legislation that transitions our nation to a clean energy economy, creates millions of jobs, and reduces our dependence on foreign oil. He remains fully committed to doing so today. The Supreme Court ruled that the EPA must review whether greenhouse gas emissions pose a threat to public health or welfare. EPA announced their findings Monday, Dec 7.
- The Supreme Court ruled that the EPA must take a meaningful look at whether climate change endangers public health and welfare. The public comment process and internal review have both been completed – the announcement was the next step. Reaching a determination was legally required.
- Under the law, once there is a finding that greenhouse gases endanger public health and welfare, EPA is required to put rules in place to ensure emitters use the best technologies available to reduce emissions. To that end, the agency has already proposed a rule for new cars and trucks (which it expects to finalize in March along with DOT) and it has a commonsense plan to focus on the largest emitters.
- Congressional action is essential to delivering a comprehensive program for reducing US greenhouse-gas emissions. The EPA action under the Clean Air Act is not an alternative to new legislation.
- EPA began work on a proposed endangerment finding in 2007, when President Bush was in the White House. EPA announced the finding when they did because they needed time to review and consider all of the 380,000 public comments on the Proposed Finding (comment period ended June 23, 2009).



Responding to the attacks on the validity of the climate change science resulting from the E-mails stolen in England:

- Nothing in those emails is cause to question the overwhelming scientific evidence that climate change is real and demands action.
- In fact, more than 2,500 scientists from the U.N.'s Intergovernmental Panel on Climate Change – the world's leading body for the assessment of climate change - has outlined the serious threat posed by climate change and the need for action.
- Beyond the science, there are plenty of other environmental and economic reasons for us to move aggressively toward a clean energy economy. We want to ensure that America can compete and win when it comes to the race for clean energy jobs.

#### Taking robust domestic action

- Climate change is one of the greatest threats facing our planet, and the United States is taking significant action to meet this challenge. Under President Obama, the United States has done more to reduce greenhouse gas emissions than ever before, both by supporting domestic policies that advance clean energy, climate security, and economic recovery; and by vigorously engaging in international climate negotiations.
- In the past year, the United States has demonstrated a renewed commitment to addressing climate change at home:
  - o The U.S. is investing over \$80 billion in clean energy through the economic recovery act – including the largest ever renewable energy investment in U.S. history.
  - o The President is working with Congress to advance comprehensive climate and energy legislation that would promote clean energy investments and lower U.S. greenhouse gas emissions by more than 80 percent below current levels by 2050.

- o We have instituted historic new vehicle efficiency standards that will increase fuel economy and reduce greenhouse gas pollution, ultimately requiring an average fuel economy of 35.5 mpg by 2016 for model years 2012 to 2016.
  
- o And we continue to develop more stringent efficiency standards for appliances like refrigerators and microwaves, helping Americans reduce their climate impacts at home.
  
- o President Obama signed an Executive Order on Federal Sustainability, committing the Federal government to lead by example and help build a clean energy economy through Federal government operations. The Executive Order, among other initiatives, requires Federal agencies to set a 2020 greenhouse gas emissions reduction target; increase energy efficiency; and reduce fleet petroleum consumption.

#### Working toward a global strategy to combat climate change

- We recognize that the United States must be a leader in the global effort to combat climate change. We are confident that the United States can and will take the lead in building the 21st century clean energy economy.
  
- But action by the United States alone is not enough. Climate change is a global challenge that demands a global solution.
  
- The United States is working toward a global strategy to combat climate change.
  - o We are actively seeking an international agreement through the UN Framework Convention on Climate Change negotiating process.
  - o We are engaging 17 of the largest economies through the Major Economies Forum on Energy and Climate.
  - o We are elevating climate and clean energy to a top tier issue in key bilateral relationships.
  - o And President Obama is leading G-20 leaders in a commitment to phase out fossil fuel subsidies worldwide, which would reduce global greenhouse gas emissions by an estimated 10 percent or more by 2050.

## Achieving the strongest possible outcome in Copenhagen

- The United States is committed to meeting the climate change challenge and achieving the strongest possible outcome in Copenhagen.
- The White House announced on Friday that President Obama will travel to Copenhagen on Dec. 18 rather than December 9. Based on his conversations with other leaders and the progress that has already been made to give momentum to negotiations, the President believes that continued US leadership can be most productive through his participation at the end of the Copenhagen conference on December 18th rather than on December 9th to. The President's decision to go is a sign of his continuing commitment and leadership to find a global solution to climate change, and to lay the foundation for a new, sustainable and prosperous clean energy future.
- In the context of an overall agreement that includes robust mitigation contributions from China and other emerging economies, the President is prepared to put on the table a U.S. emissions reduction target in the range of 17% below 2005 levels in 2020 and ultimately in line with U.S. energy and climate legislation. This provisional target is in line with current legislation moving through Congress. The expected pathway set forth in this pending legislation would entail a 30% reduction below 2005 levels in 2025 and a 42% reduction in 2030, in line with the President's goal to reduce emissions 83% by 2050. (Compared to 1990, rather than 2005, this pathway translates into an 18% reduction in 2025 and a 32% reduction in 2030.)
- In addition, the President recently discussed the status of the negotiations with Prime Minister Rudd, Chancellor Merkel, President Sarkozy, and Prime Minister Brown and concluded that there appears to be an emerging consensus that a core element of the Copenhagen accord should be to mobilize \$10 billion a year by 2012 to support adaptation and mitigation in developing countries, particularly the most vulnerable and least developed countries that could be destabilized by the impacts of climate change. The United States will pay its fair share of that amount and other countries will make substantial commitments as well.
- The delegation that will be at the climate conference in Copenhagen is the most significant U.S. delegation to participate in this series of conferences and underscores the breadth and depth of attention this administration focuses on clean energy and climate. Interior Secretary Ken Salazar, Agriculture Secretary Tom Vilsack, Commerce Secretary Gary Locke, Energy Secretary Steven Chu, and Environmental Protection Agency Administrator Lisa P. Jackson are scheduled to attend, along with Council on Environmental Quality Chair Nancy Sutley, Office of Science and Technology Policy Director John Holdren, and Assistant to the President for Energy and Climate Change Carol

Browner.

- The United States supports an internationally legally binding climate agreement and will continue working hard to reach that goal. But with the Copenhagen climate conference fast approaching, world leaders have acknowledged that reaching a legal agreement there is a highly unlikely outcome. Copenhagen presents a critical opportunity to take decisive and immediate global action, to build the institutions that we will need to combat climate change, and to move us closer to our goal of a fully implemented international legal agreement.
- With this in mind, Danish PM Rasmussen has proposed that the international community seek to reach an operational prompt start accord in Copenhagen that would enable us to get started with a strong and concise commitment right away and would move us closer to the legal agreement that we seek.
- To be clear, this is not a substitute for a full legal treaty, but rather an opportunity for the international community to take a step toward a legal agreement. Copenhagen is a critical step, but it is not the end of the process. It is part of our larger collective commitment to meeting one of mankind's greatest challenges and to speed the transition to a low-carbon global economy.
- The Danish proposed accord would move us toward meeting the climate change challenge and would involve immediate global action in which all nations do their fair share.
  - o It would include mitigation actions by all major economies, including national reduction targets for developed countries and actions by major developing countries that will reduce their emissions significantly compared to business as usual. The latter point is particularly important in light of International Energy Agency projections that more than 90 percent of carbon dioxide emissions growth from now until 2030 will come from the developing world.
  - o It would cover all of the major issues, including adaptation, financing, technology cooperation, dissemination of technology, forest preservation, and others. It would ensure transparency and accountability. And it would establish new mechanisms to support increased financial resources addressing climate change.
- One of the major advantages of a prompt start accord is that it would go into effect immediately.
- As we emerge from Copenhagen, we must continue on the course toward a legal agreement with urgency and resolve.

The U.S. is committed to achieving a legally binding agreement

- The United States supports an internationally legally binding climate agreement and will continue working hard to reach one that includes the following:
  - o Developed countries need to make robust, absolute emissions reductions in the mid-term from a base year (e.g., 1990 or 2005).
  - o Major developing countries must take actions in the mid-term that will significantly reduce their emissions compared to their business as usual path. These reductions must keep the world on an emissions pathway that is consistent with where the science tells us we need to be.
  - o Developed and major developing countries must agree to stand behind our respective actions internationally. Although we are agreeing to different actions, reflecting our different circumstances, our commitment to carrying out those actions must be the same.
  - o Other developing countries need not make any commitments to reduce emissions. They should focus on developing low carbon growth plans, with financial and technological assistance where needed.

Moving the world toward a low-carbon economy

- Ultimately, an international climate agreement must be not just about limiting carbon emissions but must complement and promote sustainable economic development by moving the world toward a low-carbon economy. The effort to build a sustainable, clean energy global economy can drive investment and job creation around the world, while bringing energy services to hundreds of millions of the world's poor.
- An important part of any international agreement will be support for climate change adaptation and clean energy technology deployment. To meet the climate challenge, we need to promote and provide support for the development and dissemination of clean energy technology around the world, including in developing countries. A climate change agreement should provide access to technology and to resources for all countries to reduce emissions and adapt to climate change.

- The U.S. will continue to work hard toward combating climate change and reaching a strong international agreement that puts the world on a pathway to a clean energy future. Achieving a successful outcome in Copenhagen is just one part of our larger collective commitment to meet this common challenge, to speed the transition to a low-carbon global economy, and to leave a cleaner, greener planet for our children and grandchildren.

<font size="2"><p>That's the USDA-dairy industry MOU that Larry mentioned in yesterday's morning meeting. I had never heard anything about it, but later in the day the WH circulated a copy of it.<br></p></font><hr><font size="2"><p><b>&nbsp; From: </b>Richard Windsor<br><b>&nbsp; Sent: </b>12/15/2009 07:25 AM EST<br><b>&nbsp; To: </b>&quot;Seth Oster&quot; &lt;oster.seth@epa.gov&gt;; Lawrence Elworth; &quot;David McIntosh&quot; &lt;mcintosh.david@epa.gov&gt;; <br><b>&nbsp; Cc: </b>&quot;Diane Thompson&quot; &lt;thompson.diane@epa.gov&gt;; <br><b>&nbsp; Subject: </b>Fw: 12.15.09 Daily Climate Change Talking Points--COP 15<br></p></font><br>

<font size="2"><p>The attaced talks about a &quot;historic agreement with America's dairy farmers to reduce ghg emissions.&quot;. Any idea what that is?<br></p></font><hr><font size="2"><p><b>&nbsp; From: </b>Seth Oster<br><b>&nbsp; Sent: </b>12/15/2009 07:12 AM EST<br><b>&nbsp; To: </b>Gina McCarthy; &quot;Shalini Vajjhala&quot; &lt;vajjhala.shalini@epa.gov&gt;; <br><b>&nbsp; Cc: </b>&quot;Lisa Jackson&quot; &lt;jackson.lisa@epa.gov&gt;; &quot;Allyn Brooks-LaSure&quot; &lt;brooks-lasure.allyn@epa.gov&gt;; David McIntosh; Michelle DePass<br><b>&nbsp; Subject: </b>Fw: 12.15.09 Daily Climate Change Talking Points--COP 15<br></p></font><br>

<font size="2"><p><b>&nbsp; From: </b>Ben Kobren <br><b>&nbsp; Sent: </b>12/15/2009 02:53 AM EST<br><b>&nbsp; To: </b>PershingJ@state.gov; TalleyT@state.gov; ArtusioCF@state.gov; BodnarP@state.gov; DeRosaBM@state.gov; GatesIN@state.gov; HannaSM@state.gov; HobgoodTD@state.gov; Kastenbergl@state.gov; KleinJM@state.gov; LarsenKM@state.gov; LeeDL2@state.gov; MiotkeJA@state.gov; NelsonDS@state.gov; PovenmireSL@state.gov; </p></font>

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Subject: 12.15.09 Daily Climate Change Talking Points--  
COP 15

Colleagues,

Further following up on our effort to keep you informed of activities on the climate change front, please see below and attached for updated general U.S. climate change talking points and the message of the day.

Best,

Ben

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**12.15.09**

**Â**

**U.S. CLIMATE CHANGE - GENERAL TALKING POINTS**

**U.S.**

**Â**

**Message of the Day**

**TEXT-DECORATION: none**

**Â**

During COP 15 the Obama administration is emphasizing its commitment to meeting the clean energy and climate change challenges through a message of the day. In order to highlight the message of the day, senior U.S. administration officials will hold a daily keynote event at COP 15 in the U.S. Center at 12:45 p.m. Copenhagen local time. Administration officials are encouraged to use the daily message during other public events. In addition, the events will be streamed live at <http://www.cop15.state.gov/> www.cop15.state.gov

**Â**

**Today's Message:** Under President Obama, the



United States is actively partnering with rural communities to create solutions for curbing greenhouse gases and preventing the worst impacts of climate change.<span style="mso-spacerun: yes">Â</span></u></font></font></b></p>

<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><b style="mso-bidi-font-weight: normal"><i style="mso-bidi-font-style: normal"><u><span style="TEXT-DECORATION: none"><font face="Times New Roman" size="3"></font></span></u></i></b></p>

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<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font size="3"><font face="Times New Roman"><b style="mso-bidi-font-weight: normal">Event Title:</b> Clean Energy Investments: Creating Opportunities for Rural Economies.</font></font></p>

<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font size="3"><font face="Times New Roman"><b style="mso-bidi-font-weight: normal">Who:</b> Tom Vilsack ,U.S. Secretary of Agriculture</font></font></p>

<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font size="3"><font face="Times New Roman"><b>Location:</b> U.S. Center in the Bella Center, Copenhagen, Denmark</font></font></p>

<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font size="3"><font face="Times New Roman"><b>Time:</b> 12:45 p.m. Copenhagen local time</font></font></p>

<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font size="3"><font face="Times New Roman"><b style="mso-bidi-font-weight: normal">Date:</b> 12/15/09</font></font></p>

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<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font face="Times New Roman" size="3">Under President Obama, the United States is actively partnering with rural communities to create solutions for curbing greenhouse gases and preventing the worst impacts of climate change.</font></p>

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<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font size="3"><font face="Times New Roman">Climate change is one of the great challenges facing the United States and the world. But for our farmers, ranchers, and those who make a living off the land, the challenge presents unprecedented opportunities.<span style="mso-spacerun: yes">Â </span></font></font></p>

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<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font size="3"><font face="Times New Roman">Rural economies will benefit from incentives in comprehensive energy legislation that reward production of renewable energy and sequestration of greenhouse gases.<span style="mso-spacerun: yes">Â </span></font></font></p>

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<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font face="Times New Roman" size="3">A viable carbon offsets market “one that rewards farmers, ranchers, and forest landowners for stewardship activities” will play a very important role in helping America reduce its dependence on oil. </font></p>

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<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font face="Times New Roman" size="3">At the event, Secretary Vilsack will announce a historic agreement between USDA and America’s dairy farmers to cut greenhouse gas emissions. </font></p>

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face="Times New Roman" size="3">Â </font></span></p>  
<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font face="Times New Roman" size="3">On Monday, the USDA released a report outlining the impact climate change will have on America's ecosystems. The report is available at the following link: </font><a href="http://www.usda.gov/wps/portal/lut/p/\_s.7\_0\_A/7\_0\_1OB?contentidonly=true&contentid=2009/12/0611.xml"><font face="Times New Roman" size="3">http://www.usda.gov/wps/portal/lut/p/\_s.7\_0\_A/7\_0\_1OB?contentidonly=true&contentid=2009/12/0611.xml</font></a></p>

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<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><b style="mso-bidi-font-weight: normal"><u><font size="3"><font face="Times New Roman">Top Line Messages</font></font></u></b></p>  
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<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; tab-stops: list .5in; mso-add-space: auto; mso-list: l2 level1 lfo3"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">But action by the United States and other developed countries is not enough. Climate change is a global challenge that demands a global solution. There is simply no way to preserve a safe and livable planet unless major developing countries play a globally responsible role along with the United States in the climate negotiations. </font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
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<p class="ListParagraph" style="MARGIN: 0in 0in 0pt 0.25in; LINE-HEIGHT: normal"><b style="mso-bidi-font-weight: normal"><span style="FONT-SIZE: 12pt"><font face="Times New Roman">Â </font></span></b></p>  
<p class="ListParagraph" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; LINE-HEIGHT: normal; mso-list: l3 level1 lfo6"><span style="FONT-SIZE: 12pt; FONT-FAMILY: Symbol; mso-fareast-

font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: ignore">Â<span style="FONT: 7pt &#39;Times New Roman&#39;,>">Â Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt"><font face="Times New Roman">The White House announced on Friday that President Obama will travel to Copenhagen on Dec. 18 rather than December 9. Based on his conversations with other leaders and the progress that has already been made to give momentum to negotiations, the President believes that continued US leadership can be most productive through his participation at the end of the Copenhagen conference on December 18th rather than on December 9th to. The Presidentâ€™s decision to go is a sign of his continuing commitment and leadership to find a global solution to climate change, and to lay the foundation for a new, sustainable and prosperous clean energy future.<span style="mso-spacerun: yes">Â Â </span><b style="mso-bidi-font-weight: normal"></b></font></span></p>

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<p class="ListParagraph" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; LINE-HEIGHT: normal; mso-list: l3 level1 lfo6"><span style="FONT-SIZE: 12pt; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: ignore">Â<span style="FONT: 7pt &#39;Times New Roman&#39;,>">Â Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt"><font face="Times New Roman">The President is also prepared, in the context of an overall agreement that includes robust mitigation contributions from China and other emerging economies, to put on the table a U.S. emissions reduction target in the range of 17% below 2005 levels in 2020 and ultimately in line with U.S. energy and climate legislation.Â This provisional target is in line with current legislation moving through Congress. The expected pathway set forth in this pending legislation would entail a 30% reduction below 2005 levels in 2025 and a 42% reduction in 2030, in line with the Presidentâ€™s goal to reduce emissions 83% by 2050.<span style="mso-spacerun: yes">Â </span></font></span></p>

<p class="ListParagraph" style="MARGIN: 0in 0in 0pt; LINE-HEIGHT: normal"><span style="FONT-SIZE: 12pt"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraph" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; LINE-HEIGHT: normal; mso-list: l3 level1 lfo6"><span style="FONT-SIZE: 12pt; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: ignore">Â<span style="FONT: 7pt &#39;Times New Roman&#39;,>">Â Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt"><font face="Times New Roman">In addition, the President recently discussed the status of the negotiations with Prime Minister Rudd, Chancellor Merkel, President Sarkozy, and Prime Minister Brown and concluded that there appears to be an emerging consensus that a core element of the Copenhagen accord should be to mobilize \$10 billion a year by 2012 to support adaptation and mitigation in developing countries, particularly the most vulnerable and least developed countries that could be destabilized by the impacts of climate change.<span style="mso-spacerun: yes">Â </span></font></span></p>

<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><font face="Times New Roman" size="3">Â </font></p>  
<ul style="MARGIN-TOP: 0in" type="disc">  
<li class="MsoNormal" style="MARGIN: 0in 0in 0pt; tab-stops: list .5in; mso-list: l2 level1 lfo3"><font face="Times New Roman" size="3">Ultimately, an international climate agreement must be not just about limiting carbon emissions but must complement and promote sustainable economic development by moving the world toward a low-carbon economy.</font></li>  
</ul>  
<p class="ListParagraphCxSpFirst" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Times New Roman&#39;; mso-fareast-font-family: Calibri; mso-ansi-language: EN-US; mso-fareast-language: EN-US; mso-bidi-language: AR-SA"><br style="PAGE-BREAK-BEFORE: always">

clear="all">  
</span></u></b></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Latest Issues</font></span></u></b></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></b></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><i style="mso-bidi-font-style: normal"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Senators Kerry, Graham and Lieberman Comprehensive Energy Framework Announcement</font></span></i></b></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><i style="mso-bidi-font-style: normal"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></i></b></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">On Thursday, December 10, Senators Kerry, Lieberman and Graham announced a comprehensive Energy Framework.</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">The White House issued the following statement,</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Today, Senators Kerry, Lieberman and Graham took another significant step in the effort to pass comprehensive energy reform with the release of their legislative framework. The President believes this is a positive development towards reaching a strong, unified and bipartisan agreement in the U.S. Senate.<span style="mso-spacerun: yes">Â </span></font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman"><span style="mso-spacerun: yes">Â </span></font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Over the last 11 months, the Obama Administration has made historic strides in building a clean energy economy, creating new American jobs and reducing US dependence on foreign oil. From robust domestic actions including historic investments in clean energy to sustained international engagement to encourage countries around the world to reduce their carbon emissions, the President has established a new energy foundation.<span style="mso-spacerun: yes">Â </span>The passage of comprehensive energy legislation is essential to that effort.</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman"><span style="mso-spacerun: yes">Â </span></font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">In a demonstration of the growing consensus

surrounding the need to reform our energy economy, the President heard from CEOs yesterday who told him that passing clean energy legislation and supporting an international accord to reduce emissions will strengthen our economy and enhance our competitiveness.

The President looks forward to working with the Senate and signing comprehensive energy and climate legislation as soon as possible.

**EPA endangerment finding**

The President has made clear his strong preference that Congress pass comprehensive energy legislation that transitions our nation to a clean energy economy, creates millions of jobs, and reduces our dependence on foreign oil. He remains fully committed to doing so today. The Supreme Court ruled that the EPA must review whether greenhouse gas emissions pose a threat to public health or welfare. EPA announced their findings Monday, Dec 7.

The Supreme Court ruled that the EPA must take a meaningful look at whether climate change endangers public health and welfare. The public comment process and internal review have both been completed. The announcement was the next step. Reaching a determination was legally required.

Under the law, once there is a finding that greenhouse gases endanger public health and welfare, EPA is required to put rules in place to ensure emitters use the best technologies available to reduce emissions. To that end, the agency has already proposed a rule for new cars and trucks (which it expects to finalize in March along with DOT) and it has a commonsense plan to focus on the largest

emitters.</font></span></p>

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<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; tab-stops: list .5in; mso-list: l2 level1 lfo3"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Congressional action is essential to delivering a comprehensive program for reducing US greenhouse-gas emissions.<span style="mso-spacerun: yes">Â </span>The EPA action under the Clean Air Act is not an alternative to new legislation.<span style="mso-spacerun: yes">Â </span></span></font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; tab-stops: list .5in; mso-list: l2 level1 lfo3"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">EPA began work on a proposed endangerment finding in 2007, when President Bush was in the White House. EPA announced the finding when they did because they needed time to review and consider all of the 380,000 public comments on the Proposed Finding (comment period ended June 23, 2009). </font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><i style="mso-bidi-font-style: normal"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Responding to the attacks on the validity of the climate change science resulting from the E-mails stolen in England:</font></span></i></b></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman"><span style="mso-spacerun: yes">Â </span></font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; tab-stops: list .5in; mso-list: l2 level1 lfo3"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Nothing in those emails is cause to question the overwhelming scientific evidence that climate change is real and demands action.</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: 3pt"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; tab-stops: list .5in; mso-list: l2 level1 lfo3"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">In fact, more than 2,500 scientists from the U.N.â€™s Intergovernmental Panel on Climate Change â€™ the worldâ€™s leading body for the assessment of climate change - has outlined the serious threat posed by climate change and the need for action.</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: 3pt"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; tab-stops: list .5in; mso-list: l2 level1 lfo3"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Beyond the science, there are plenty of other environmental and economic reasons for us to move aggressively toward a clean energy economy.<span style="mso-spacerun: yes">Â </span>We want to ensure that America can compete and win when it comes to the race for clean energy jobs.<span style="mso-spacerun: yes">Â </span></font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><span style="TEXT-DECORATION: none"><font face="Times New Roman"></font></span></span></u></b></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><span style="TEXT-DECORATION: none"><font face="Times New Roman"></font></span></span></u></b></p>

<p class="ListParagraphCxSpLast" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman"></font></span></u></b>Â </p>

<p class="ListParagraphCxSpLast" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Taking robust domestic action</font></span></u></b></p>

<p class="MsoNormal" style="MARGIN: 0in 0in 0pt"><b style="mso-bidi-font-weight: normal"><font face="Times New Roman" size="3">Â </font></b></p>

<p class="ListParagraphCxSpFirst" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; tab-stops: list .5in; mso-add-space: auto; mso-list: l2 level1 lfo3"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Climate change is one of the greatest threats facing our planet, and the United States is taking significant action to meet this challenge. Under President Obama, the United States has done more to reduce greenhouse gas emissions than ever before, both by supporting domestic policies that advance clean energy, climate security, and economic recovery; and by vigorously engaging in international climate negotiations. </font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; tab-stops: list .5in; mso-add-space: auto; mso-list: l2 level1 lfo3"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">In the past year, the United States has demonstrated a renewed commitment to addressing climate change at home:</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1.25in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l1 level1 lfo1"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-

FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;";><span style="mso-list: Ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;";>Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">The U.S. is investing over \$80 billion in clean energy through the economic recovery act â€“ including the largest ever renewable energy investment in U.S. history.</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1.25in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1.25in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l1 level1 lfo1"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;";><span style="mso-list: Ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;";>Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">The President is working with Congress to advance comprehensive climate and energy legislation that would promote clean energy investments and lower U.S. greenhouse gas emissions by more than 80 percent below current levels by 2050. </font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1.25in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1.25in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l1 level1 lfo1"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;";><span style="mso-list: Ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;";>Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">We have instituted historic new vehicle efficiency standards that will increase fuel economy and reduce greenhouse gas pollution, ultimately requiring an average fuel economy of 35.5 mpg by 2016 for model years 2012 to 2016. </font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1.25in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l1 level1 lfo1"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;";><span style="mso-list: Ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;";>Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">And we continue to develop more stringent efficiency standards for appliances like refrigerators and microwaves, helping Americans reduce their climate impacts at home.</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1.25in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l1 level1 lfo1"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;";><span style="mso-list: Ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;";>Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">President Obama signed an Executive Order on Federal Sustainability, committing the Federal government to lead by example and help build a clean energy economy through Federal government operations.<span style="mso-spacerun: yes">Â </span>The Executive Order, among other initiatives, requires Federal agencies to set a 2020 greenhouse gas emissions reduction target; increase energy efficiency; and reduce fleet petroleum consumption.</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
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<p class="ListParagraphCxSpMiddle" style="margin: 0in 0in 0pt; mso-add-space: auto;"><span style="font-size: 12pt; line-height: 115%;">&Amp; </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="margin: 0in 0in 0pt; mso-add-space: auto;"><b style="mso-bidi-font-weight: normal;"><u><span style="font-size: 12pt; line-height: 115%;"><font face="Times New Roman">Working toward a global strategy to combat climate change</font></span></u></b></p>

<p class="ListParagraphCxSpMiddle" style="margin: 0in 0in 0pt; mso-add-space: auto;"><span style="font-size: 12pt; line-height: 115%;">&Amp; </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="margin: 0in 0in 0pt 0.5in; text-indent: -0.25in; mso-add-space: auto; mso-list: l4 level1 lfo4;"><span style="font-size: 12pt; line-height: 115%; font-family: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol;"><span style="mso-list: ignore;">&Amp; <span style="font: 7pt &#39;Times New Roman&#39;;">&Amp; &Amp; &Amp; &Amp; &Amp; </span></span></span><span style="font-size: 12pt; line-height: 115%;"><font face="Times New Roman">We recognize that the United States must be a leader in the global effort to combat climate change. We are confident that the United States can and will take the lead in building the 21st century clean energy economy. </font></span></p>

<p class="ListParagraphCxSpMiddle" style="margin: 0in 0in 0pt 0.5in; mso-add-space: auto;"><span style="font-size: 12pt; line-height: 115%;">&Amp; </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="margin: 0in 0in 0pt 0.5in; text-indent: -0.25in; mso-add-space: auto; mso-list: l5 level1 lfo2;"><span style="font-size: 12pt; line-height: 115%; font-family: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol;"><span style="mso-list: ignore;">&Amp; <span style="font: 7pt &#39;Times New Roman&#39;;">&Amp; &Amp; &Amp; &Amp; &Amp; </span></span></span><span style="font-size: 12pt; line-height: 115%;"><font face="Times New Roman">But action by the United States alone is not enough. Climate change is a global challenge that demands a global solution. </font></span></p>

<p class="ListParagraphCxSpMiddle" style="margin: 0in 0in 0pt 0.5in; mso-add-space: auto;"><span style="font-size: 12pt; line-height: 115%;">&Amp; </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="margin: 0in 0in 0pt 0.5in; text-indent: -0.25in; mso-add-space: auto; mso-list: l5 level1 lfo2;"><span style="font-size: 12pt; line-height: 115%; font-family: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol;"><span style="mso-list: ignore;">&Amp; <span style="font: 7pt &#39;Times New Roman&#39;;">&Amp; &Amp; &Amp; &Amp; &Amp; </span></span></span><span style="font-size: 12pt; line-height: 115%;"><font face="Times New Roman">The United States is working toward a global strategy to combat climate change. </font></span></p>

<p class="ListParagraphCxSpMiddle" style="margin: 0in 0in 0pt 1in; text-indent: -0.25in; mso-add-space: auto; mso-list: l5 level2 lfo2;"><span style="font-size: 12pt; line-height: 115%; font-family: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;;"><span style="mso-list: ignore;">&Amp; <span style="font: 7pt &#39;Times New Roman&#39;;">&Amp; &Amp; &Amp; &Amp; &Amp; </span></span></span><span style="font-size: 12pt; line-height: 115%;"><font face="Times New Roman">We are actively seeking an international agreement through the UN Framework Convention on Climate Change negotiating process. </font></span></p>

<p class="ListParagraphCxSpMiddle" style="margin: 0in 0in 0pt 1in; text-indent: -0.25in; mso-add-space: auto; mso-list: l5 level2 lfo2;"><span style="font-size: 12pt; line-height: 115%; font-family: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;;"><span style="mso-list: ignore;">&Amp; <span style="font: 7pt &#39;Times New Roman&#39;;">&Amp; &Amp; &Amp; &Amp; &Amp; </span></span></span><span style="font-size: 12pt; line-height: 115%;"><font face="Times New Roman">We are engaging 17 of the largest economies through the Major Economies Forum on Energy and Climate. </font></span></p>

<p class="ListParagraphCxSpMiddle" style="margin: 0in 0in 0pt 1in; text-indent: -0.25in; mso-add-space: auto; mso-list: l5 level2 lfo2;"><span style="font-size: 12pt; line-height: 115%; font-

FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;";><span style="mso-list: ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;";>Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">We are elevating climate and clean energy to a top tier issue in key bilateral relationships.  
</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level2 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;";><span style="mso-list: ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;";>Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">And President Obama is leading G-20 leaders in a commitment to phase out fossil fuel subsidies worldwide, which would reduce global greenhouse gas emissions by an estimated 10 percent or more by 2050.</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><span style="TEXT-DECORATION: none"><font face="Times New Roman"></font></span></span></u></b></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Achieving the strongest possible outcome in Copenhagen</font></span></u></b></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman"></font></span></u></b>Â </p>

<p class="ListParagraphCxSpLast" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><span style="TEXT-DECORATION: none"><font face="Times New Roman"></font></span></span></u></b></p>

<p class="MsoNormal" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; mso-list: l5 level1 lfo2"><span style="FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: ignore"><font size="3">Â </font><span style="FONT: 7pt &#39;Times New Roman&#39;";>Â Â Â Â Â Â </span></span></span><font face="Times New Roman" size="3">The United States is committed to meeting the climate change challenge and achieving the strongest possible outcome in Copenhagen.</font></p>

<p class="MsoNormal" style="MARGIN: 0in 0in 0pt 0.5in"><font face="Times New Roman" size="3">Â </font></p>

<p class="ListParagraph" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; LINE-HEIGHT: normal; mso-list: l5 level1 lfo2"><span style="FONT-SIZE: 12pt; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;";>Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt"><font face="Times New Roman">The White House announced on Friday that President Obama will travel to Copenhagen on Dec. 18 rather than December 9. Based on his conversations with other leaders and the progress that has already been made to give momentum to negotiations, the President believes that continued US leadership can be most productive through his participation at the end of the Copenhagen conference on December 18th rather than on December 9th to. The Presidentâ€™s decision to go is a sign of his continuing commitment and leadership to find a global solution to climate change, and to lay the foundation for a new, sustainable and prosperous clean energy future.<span style="mso-spacerun: yes">Â Â </span><span style="mso-spacerun: yes">Â Â

</span></font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>

<p class="ListParagraph" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; LINE-HEIGHT: normal; mso-list: l5 level1 lfo2"><span style="FONT-SIZE: 12pt; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;,>">Â Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt"><font face="Times New Roman">In the context of an overall agreement that includes robust mitigation contributions from China and other emerging economies, the President is prepared to put on the table a U.S. emissions reduction target in the range of 17% below 2005 levels in 2020 and ultimately in line with U.S. energy and climate legislation.<span style="mso-spacerun: yes">Â </span>This provisional target is in line with current legislation moving through Congress. The expected pathway set forth in this pending legislation would entail a 30% reduction below 2005 levels in 2025 and a 42% reduction in 2030, in line with the Presidentâ€™s goal to reduce emissions 83% by 2050.<span style="mso-spacerun: yes">Â </span>(Compared to 1990, rather than 2005, this pathway translates into an 18% reduction in 2025 and a 32% reduction in 2030.)</font></span></p>

<p class="ListParagraph" style="MARGIN: 0in 0in 0pt; LINE-HEIGHT: normal"><span style="FONT-SIZE: 12pt"><font face="Times New Roman">Â </font></span></p>

<p class="ListParagraph" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; LINE-HEIGHT: normal; mso-list: l5 level1 lfo2"><span style="FONT-SIZE: 12pt; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;,>">Â Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt"><font face="Times New Roman">In addition, the President recently discussed the status of the negotiations with Prime Minister Rudd, Chancellor Merkel, President Sarkozy, and Prime Minister Brown and concluded that there appears to be an emerging consensus that a core element of the Copenhagen accord should be to mobilize \$10 billion a year by 2012 to support adaptation and mitigation in developing countries, particularly the most vulnerable and least developed countries that could be destabilized by the impacts of climate change.<span style="mso-spacerun: yes">Â </span>The United States will pay its fair share of that amount and other countries will make substantial commitments as well.</font></span></p>

<p class="ListParagraph" style="MARGIN: 0in 0in 0pt 0.25in; LINE-HEIGHT: normal"><span style="FONT-SIZE: 12pt"><font face="Times New Roman">Â </font></span></p>

<p class="ListParagraph" style="MARGIN: 0in 0in 0pt 0.5in; LINE-HEIGHT: normal"><span style="FONT-SIZE: 12pt"><font face="Times New Roman">Â </font></span></p>

<p class="ListParagraph" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; LINE-HEIGHT: normal; mso-list: l5 level1 lfo2"><span style="FONT-SIZE: 12pt; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â <span style="FONT: 7pt &#39;Times New Roman&#39;,>">Â Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt"><font face="Times New Roman">The delegation that will be at the climate conference in Copenhagen is the most significant U.S. delegation to participate in this series of conferences and underscores the breadth and depth of attention this administration focuses on clean energy and climate. Interior Secretary Ken Salazar, Agriculture Secretary Tom Vilsack, Commerce Secretary Gary Locke, Energy Secretary Steven Chu, and Environmental Protection Agency Administrator Lisa P. Jackson are scheduled to attend, along with Council on Environmental Quality Chair Nancy Sutley, Office of Science and Technology Policy Director John Holdren, and Assistant to the President for Energy and Climate Change Carol Browner. </font></span></p>

<p class="MsoNormal" style="MARGIN: 0in 0in 0pt 0.5in"><font face="Times New Roman" size="3">Â </font></p>

<p class="MsoNormal" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; mso-list: l5 level1 lfo2"><span style="FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore"><font size="3">Â </font><span style="FONT: 7pt &#39;Times New Roman&#39;,>">Â Â Â Â Â Â Â </span></span></span><font size="3"><font face="Times New Roman">Â The United States supports an internationally legally binding climate agreement and will

continue working hard to reach that goal.Â But with the Copenhagen climate conference fast approaching, world leaders have acknowledged that reaching a legal agreement there is a highly unlikely outcome. Copenhagen presents a critical opportunity to take decisive and immediate global action, to build the institutions that we will need to combat climate change, and to move us closer to our goal of a fully implemented international legal agreement.<span style="mso-spacerun: yes">Â</span></font></p></div>
<div data-bbox="111 187 888 345" data-label="Text">
<p class="MsoNormal" style="MARGIN: 0in 0in 0pt 0.5in"><font face="Times New Roman" size="3">Â </font></p>
<p class="ListParagraphCxSpFirst" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level1 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">With this in mind, Danish PM Rasmussen has proposed that the international community seek to reach an operational prompt start accord in Copenhagen that would enable us to get started with a strong and concise commitment right away and would move us closer to the legal agreement that we seek.</font></span></p>
</div>
<div data-bbox="111 357 892 531" data-label="Text">
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level1 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">To be clear, this is not a substitute for a full legal treaty, but rather an opportunity for the international community to take a step toward a legal agreement. Copenhagen is a critical step, but it is not the end of the process.<span style="mso-spacerun: yes">Â </span>It is part of our larger collective commitment to meeting one of mankindâ€™s greatest challenges and to speed the transition to a low-carbon global economy.<span style="mso-spacerun: yes">Â </span></font></span></p>
</div>
<div data-bbox="111 543 892 687" data-label="Text">
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level1 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: Ignore">Â<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">The Danish proposed accord would move us toward meeting the climate change challenge<span style="COLOR: black">and would involve immediate global action in which all nations do their fair share.</span></font></span></p>
</div>
<div data-bbox="111 699 886 887" data-label="Text">
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level2 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;"><span style="mso-list: Ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â</span></span></span><font face="Times New Roman"><span style="FONT-SIZE: 12pt; COLOR: black; LINE-HEIGHT: 115%">It would</span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"> include mitigation actions by all major economies, <span style="COLOR: black">including national reduction targets for developed countries and actions by major developing countries that will reduce their emissions significantly compared to business as usual. The latter point is particularly important in light of International Energy Agency projections </span>that more than 90 percent of carbon dioxide emissions growth from now until 2030 will come from the developing world.</span></font></p>
</div>
</div>
<div data-bbox="760 978 976 995" data-label="Page-Footer">
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<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; COLOR: black; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level2 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;"><span style="mso-list: ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â  
</span></span></span><font face="Times New Roman"><span style="FONT-SIZE: 12pt; COLOR: black; LINE-HEIGHT: 115%">It would cover all of the major issues, including adaptation, financing, technology cooperation, dissemination of technology, forest preservation, and others. It would </span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%">ensure transparency and accountability. <span style="COLOR: black"><span style="mso-spacerun: yes">Â </span></span><span style="mso-spacerun: yes">Â </span></span><span style="mso-spacerun: yes">Â </span></span>And it would establish new mechanisms to support increased financial resources addressing climate change. </span></font></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level1 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: ignore">Â<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">One of the major advantages of a prompt start accord is that it would go into effect immediately.</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level1 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: ignore">Â<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">As we emerge from Copenhagen, we must continue on the course toward a legal agreement with urgency and resolve.</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">The U.S. is committed to achieving a legally binding agreement</font></span></u></b></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l0 level1 lfo5"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: ignore">Â<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">The United States supports an internationally legally binding climate agreement and will continue working hard to reach one that includes the following:</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; mso-add-space: auto"><span

style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman"><span style="mso-spacerun: yes">Â </span></font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level2 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;"><span style="mso-list: ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Developed countries need to make robust, absolute emissions reductions in the mid-term from a base year (e.g., 1990 or 2005).</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level2 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;"><span style="mso-list: ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Major developing countries must take actions in the mid-term that will significantly reduce their emissions compared to their business as usual path. These reductions must keep the world on an emissions pathway that is consistent with where the science tells us we need to be. </font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level2 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;"><span style="mso-list: ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Developed and major developing countries must agree to stand behind our respective actions internationally. Although we are agreeing to different actions, reflecting our different circumstances,<b style="mso-bidi-font-weight: normal"> </b>our commitment to carrying out those actions must be the same.</font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 1in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level2 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: &#39;Courier New&#39;; mso-fareast-font-family: &#39;Courier New&#39;"><span style="mso-list: ignore">o<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Other developing countries need not make any commitments to reduce emissions. They should focus on developing low carbon growth plans, with financial and technological assistance where needed. </font></span></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt; mso-add-space: auto"><b style="mso-bidi-font-weight: normal"><u><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Moving the world toward a low-carbon economy</font></span></u></b></p>

<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; mso-add-space: auto"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Â </font></span></p>  
<p class="ListParagraphCxSpMiddle" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; mso-add-

space: auto; mso-list: l5 level1 lfo2"><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%; FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: ignore">Â·<span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â  
</span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">Ultimately, an international climate agreement must be not just about limiting carbon emissions but must complement and promote sustainable economic development by moving the world toward a low-carbon economy. The effort to build a sustainable, clean energy global economy can drive investment and job creation around the world, while bringing energy services to hundreds of millions of the world's poor. </font></span></p>

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<p class="ListParagraphCxSpLast" style="MARGIN: 0in 0in 0pt 0.5in; TEXT-INDENT: -0.25in; mso-add-space: auto; mso-list: l5 level1 lfo2"><span style="FONT-FAMILY: Symbol; mso-fareast-font-family: Symbol; mso-bidi-font-family: Symbol"><span style="mso-list: ignore"><font size="5">Â·</font><span style="FONT: 7pt &#39;Times New Roman&#39;">Â Â Â Â Â Â </span></span></span><span style="FONT-SIZE: 12pt; LINE-HEIGHT: 115%"><font face="Times New Roman">The U.S. will continue to work hard toward combating climate change and reaching a strong international agreement that puts the world on a pathway to a clean energy future. <span style="COLOR: black">Achieving a successful outcome in Copenhagen is just one part of our larger collective commitment to meet this common challenge, to speed the transition to a low-carbon global economy, and to leave a cleaner, greener planet for our children and grandchildren.</span></font></span></p></div>

**To:** CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** "David McIntosh" [mcintosh.david@epa.gov]; Seth Oster" [oster.seth@epa.gov];  
N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"Diane Thompson"  
[thompson.diane@epa.gov]; Diane Thompson" [thompson.diane@epa.gov]  
**From:** CN=Lawrence Elworth/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/15/2009 1:40:58 PM  
**Subject:** Re: 12.15.09 Daily Climate Change Talking Points--COP 15  
[www.cop15.state.gov](http://www.cop15.state.gov)  
<http://www.usda.gov/wps/portal/lut/p/ s.7 0 A/7 0 1OB?contentidonly=true&contentid=2009/12/0611.xml>

I talked to USDA about it - Robert Bonnie is apparently the lead and I have e-mailed him, though he is in Copenhagen - I also shared it with Beth Craig who had not seen it - I have had one meeting with the dairy sustainability folks several weeks ago but there was no talk of an MOU w/USDA - I suggested then that it would make sense for them to come in and meet with Gina, Pete and perhaps others - it probably makes even more sense now- substantively the MOU has good stuff in it and the dairy folks have been among the relative handful of groups willing to engage constructively on climate change

Lawrence Elworth  
Agricultural Counselor to the Administrator  
U. S. Environmental Protection Agency  
2415 Ariel Rios North  
202 564-1530

**From:** David McIntosh/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA, "Seth Oster" <oster.seth@epa.gov>, Lawrence Elworth/DC/USEPA/US@EPA, "David McIntosh" <mcintosh.david@epa.gov>  
**Cc:** "Diane Thompson" <thompson.diane@epa.gov>  
**Date:** 12/15/2009 07:32 AM  
**Subject:** Re: 12.15.09 Daily Climate Change Talking Points--COP 15

That's the USDA-dairy industry MOU that Larry mentioned in yesterday's morning meeting. I had never heard anything about it, but later in the day the WH circulated a copy of it.

**From:** Richard Windsor  
**Sent:** 12/15/2009 07:25 AM EST  
**To:** "Seth Oster" <oster.seth@epa.gov>; Lawrence Elworth; "David McIntosh" <mcintosh.david@epa.gov>  
**Cc:** "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Fw: 12.15.09 Daily Climate Change Talking Points--COP 15

The attaced talks about a "historic agreement with America's dairy farmers to reduce ghg emissions.". Any idea what that is?

**From:** Seth Oster  
**Sent:** 12/15/2009 07:12 AM EST  
**To:** Gina McCarthy; "Shalini Vajjhala" <vajjhala.shalini@epa.gov>  
**Cc:** "Lisa Jackson" <windsor.richard@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; David McIntosh; Michelle DePass  
**Subject:** Fw: 12.15.09 Daily Climate Change Talking Points--COP 15



From: Ben Kobren **Personal Privacy**

Sent: 12/15/2009 02:53 AM EST

To: PershingJ@state.gov; TalleyT@state.gov; ArtusioCF@state.gov; BodnarP@state.gov; DeRosaBM@state.gov; GatesIN@state.gov; HannaSM@state.gov; HobgoodTD@state.gov; Kastenbergrl@state.gov; KleinJM@state.gov; LarsenKM@state.gov; LeeDL2@state.gov; MiotkeJA@state.gov; NelsonDS@state.gov; PovenmireSL@state.gov;

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**Personal Privacy**

Subject: 12.15.09 Daily Climate Change Talking Points--COP 15

Colleagues,

Further following up on our effort to keep you informed of activities on the climate change front, please see below and attached for updated general U.S. climate change talking points and the message of the day.

Best,  
Ben

12.15.09

## U.S. CLIMATE CHANGE - GENERAL TALKING POINTS

### Message of the Day

During COP 15 the Obama administration is emphasizing its commitment to meeting the clean energy and climate change challenges through a message of the day. In order to highlight the message of the day, senior U.S. administration officials will hold a daily keynote event at COP 15 in the U.S. Center at 12:45 p.m. Copenhagen local time. Administration officials are encouraged to use the daily message during other public events. In addition, the events will be streamed live at [www.cop15.state.gov](http://www.cop15.state.gov)

Today's Message: Under President Obama, the United States is actively partnering with rural communities to create solutions for curbing greenhouse gases and preventing the worst impacts of climate change.

Event Title: Clean Energy Investments: Creating Opportunities for Rural Economies.

Who: Tom Vilsack, U.S. Secretary of Agriculture

Location: U.S. Center in the Bella Center, Copenhagen, Denmark

Time: 12:45 p.m. Copenhagen local time

Date: 12/15/09

Under President Obama, the United States is actively partnering with rural communities to create solutions for curbing greenhouse gases and preventing the worst impacts of climate change.

Climate change is one of the great challenges facing the United States and the world. But for our farmers, ranchers, and those who make a living off the land, the challenge presents unprecedented opportunities.

Rural economies will benefit from incentives in comprehensive energy legislation that reward production of renewable energy and sequestration of greenhouse gases.

A viable carbon offsets market – one that rewards farmers, ranchers, and forest landowners for stewardship activities – will play a very important role in helping America reduce its dependence on oil.

At the event, Secretary Vilsack will announce a historic agreement between USDA and America's dairy farmers to cut greenhouse gas emissions.

On Monday, the USDA released a report outlining the impact climate change will have on America's ecosystems.

The report is available at the following link:

[http://www.usda.gov/wps/portal/!ut/p/\\_s.7\\_0\\_A/7\\_0\\_10B?contentidonly=true&contentid=2009/12/0611.xml](http://www.usda.gov/wps/portal/!ut/p/_s.7_0_A/7_0_10B?contentidonly=true&contentid=2009/12/0611.xml)

### Top Line Messages

- Under President Obama, the United States has done more to reduce greenhouse gas emissions than ever before, both by supporting domestic policies that advance clean energy, climate security, and economic recovery; and by vigorously engaging in international climate negotiations.
- But action by the United States and other developed countries is not enough. Climate change is a global challenge that demands a global solution. There is simply no way to preserve a safe and livable planet unless major

developing countries play a globally responsible role along with the United States in the climate negotiations.

- The United States is committed to achieving the strongest possible outcome in Copenhagen.
- The White House announced on Friday that President Obama will travel to Copenhagen on Dec. 18 rather than December 9. Based on his conversations with other leaders and the progress that has already been made to give momentum to negotiations, the President believes that continued US leadership can be most productive through his participation at the end of the Copenhagen conference on December 18th rather than on December 9th to. The President's decision to go is a sign of his continuing commitment and leadership to find a global solution to climate change, and to lay the foundation for a new, sustainable and prosperous clean energy future.
- The President is also prepared, in the context of an overall agreement that includes robust mitigation contributions from China and other emerging economies, to put on the table a U.S. emissions reduction target in the range of 17% below 2005 levels in 2020 and ultimately in line with U.S. energy and climate legislation. This provisional target is in line with current legislation moving through Congress. The expected pathway set forth in this pending legislation would entail a 30% reduction below 2005 levels in 2025 and a 42% reduction in 2030, in line with the President's goal to reduce emissions 83% by 2050.
- In addition, the President recently discussed the status of the negotiations with Prime Minister Rudd, Chancellor Merkel, President Sarkozy, and Prime Minister Brown and concluded that there appears to be an emerging consensus that a core element of the Copenhagen accord should be to mobilize \$10 billion a year by 2012 to support adaptation and mitigation in developing countries, particularly the most vulnerable and least developed countries that could be destabilized by the impacts of climate change. The United States will pay its fair share of that amount and other countries will make substantial commitments as well.

Ultimately, an international climate agreement must be not just about limiting carbon emissions but must complement and promote sustainable economic development by moving the world toward a low-carbon economy.

#### Latest Issues

#### Senators Kerry, Graham and Lieberman Comprehensive Energy Framework Announcement

On Thursday, December 10, Senators Kerry, Lieberman and Graham announced a comprehensive Energy Framework.

The White House issued the following statement,

Today, Senators Kerry, Lieberman and Graham took another significant step in the effort to pass comprehensive energy reform with the release of their legislative framework. The President believes this is a positive development towards reaching a strong, unified and bipartisan agreement in the U.S. Senate.

Over the last 11 months, the Obama Administration has made historic strides in building a clean energy economy, creating new American jobs and reducing US dependence on foreign oil. From robust domestic actions including historic investments in clean energy to sustained international engagement to encourage countries around the world to reduce their carbon emissions, the President has established a new energy foundation. The passage of comprehensive energy legislation is essential to that effort.

In a demonstration of the growing consensus surrounding the need to reform our energy economy, the President heard from CEOs yesterday who told him that passing clean energy legislation and supporting an international accord to reduce emissions will strengthen our economy and enhance our competitiveness.

The President looks forward to working with the Senate and signing comprehensive energy and climate legislation as soon as possible.

#### EPA endangerment finding

- The President has made clear his strong preference that Congress pass comprehensive energy legislation that transitions our nation to a clean energy economy, creates millions of jobs, and reduces our dependence on foreign oil. He remains fully committed to doing so today. The Supreme Court ruled that the EPA must review whether greenhouse gas emissions pose a threat to public health or welfare. EPA announced their findings Monday, Dec 7.
- The Supreme Court ruled that the EPA must take a meaningful look at whether climate change endangers public health and welfare. The public comment process and internal review have both been completed – the announcement was the next step. Reaching a determination was legally required.
- Under the law, once there is a finding that greenhouse gases endanger public health and welfare, EPA is required to put rules in place to ensure emitters use the best technologies available to reduce emissions. To that end, the agency has already proposed a rule for new cars and trucks (which it expects to finalize in March along with DOT) and it has a commonsense plan to focus on the largest emitters.
- Congressional action is essential to delivering a comprehensive program for reducing US greenhouse-gas emissions. The EPA action under the Clean Air Act is not an alternative to new legislation.
- EPA began work on a proposed endangerment finding in 2007, when President Bush was in the White House. EPA announced the finding when they did because they needed time to review and consider all of the 380,000 public comments on the Proposed Finding (comment period ended June 23, 2009).

Responding to the attacks on the validity of the climate change science resulting from the E-mails stolen in England:

- Nothing in those emails is cause to question the overwhelming scientific evidence that climate change is real and demands action.
- In fact, more than 2,500 scientists from the U.N.'s Intergovernmental Panel on Climate Change – the world's leading body for the assessment of climate change - has outlined the serious threat posed by climate change and the need for action.
- Beyond the science, there are plenty of other environmental and economic reasons for us to move aggressively toward a clean energy economy. We want to ensure that America can compete and win when it comes to the race for clean energy jobs.

#### Taking robust domestic action

- Climate change is one of the greatest threats facing our planet, and the United States is taking significant action to meet this challenge. Under President Obama, the United States has done more to reduce greenhouse gas emissions than ever before, both by supporting domestic policies that advance clean energy, climate security, and economic recovery; and by vigorously engaging in international climate negotiations.
- In the past year, the United States has demonstrated a renewed commitment to addressing climate change at home:
  - o The U.S. is investing over \$80 billion in clean energy through the economic recovery act – including the largest ever renewable energy investment in U.S. history.

- o The President is working with Congress to advance comprehensive climate and energy legislation that would promote clean energy investments and lower U.S. greenhouse gas emissions by more than 80 percent below current levels by 2050.
- o We have instituted historic new vehicle efficiency standards that will increase fuel economy and reduce greenhouse gas pollution, ultimately requiring an average fuel economy of 35.5 mpg by 2016 for model years 2012 to 2016.
- o And we continue to develop more stringent efficiency standards for appliances like refrigerators and microwaves, helping Americans reduce their climate impacts at home.
- o President Obama signed an Executive Order on Federal Sustainability, committing the Federal government to lead by example and help build a clean energy economy through Federal government operations. The Executive Order, among other initiatives, requires Federal agencies to set a 2020 greenhouse gas emissions reduction target; increase energy efficiency; and reduce fleet petroleum consumption.

#### Working toward a global strategy to combat climate change

- We recognize that the United States must be a leader in the global effort to combat climate change. We are confident that the United States can and will take the lead in building the 21st century clean energy economy.
- But action by the United States alone is not enough. Climate change is a global challenge that demands a global solution.
- The United States is working toward a global strategy to combat climate change.
- o We are actively seeking an international agreement through the UN Framework Convention on Climate Change negotiating process.
- o We are engaging 17 of the largest economies through the Major Economies Forum on Energy and Climate.
- o We are elevating climate and clean energy to a top tier issue in key bilateral relationships.
- o And President Obama is leading G-20 leaders in a commitment to phase out fossil fuel subsidies worldwide, which would reduce global greenhouse gas emissions by an estimated 10 percent or more by 2050.

#### Achieving the strongest possible outcome in Copenhagen

- The United States is committed to meeting the climate change challenge and achieving the strongest possible outcome in Copenhagen.
- The White House announced on Friday that President Obama will travel to Copenhagen on Dec. 18 rather than December 9. Based on his conversations with other leaders and the progress that has already been made to give momentum to negotiations, the President believes that continued US leadership can be most productive through his participation at the end of the Copenhagen conference on December 18th rather than on December 9th to. The President's decision to go is a sign of his continuing commitment and leadership to find a global solution to climate change, and to lay the foundation for a new, sustainable and prosperous clean energy future.
- 
- In the context of an overall agreement that includes robust mitigation contributions from China and other emerging economies, the President is prepared to put on the table a U.S. emissions reduction target in the range of 17% below 2005 levels in 2020 and ultimately in line with U.S. energy and climate legislation. This provisional

target is in line with current legislation moving through Congress. The expected pathway set forth in this pending legislation would entail a 30% reduction below 2005 levels in 2025 and a 42% reduction in 2030, in line with the President's goal to reduce emissions 83% by 2050. (Compared to 1990, rather than 2005, this pathway translates into an 18% reduction in 2025 and a 32% reduction in 2030.)

- In addition, the President recently discussed the status of the negotiations with Prime Minister Rudd, Chancellor Merkel, President Sarkozy, and Prime Minister Brown and concluded that there appears to be an emerging consensus that a core element of the Copenhagen accord should be to mobilize \$10 billion a year by 2012 to support adaptation and mitigation in developing countries, particularly the most vulnerable and least developed countries that could be destabilized by the impacts of climate change. The United States will pay its fair share of that amount and other countries will make substantial commitments as well.

- The delegation that will be at the climate conference in Copenhagen is the most significant U.S. delegation to participate in this series of conferences and underscores the breadth and depth of attention this administration focuses on clean energy and climate. Interior Secretary Ken Salazar, Agriculture Secretary Tom Vilsack, Commerce Secretary Gary Locke, Energy Secretary Steven Chu, and Environmental Protection Agency Administrator Lisa P. Jackson are scheduled to attend, along with Council on Environmental Quality Chair Nancy Sutley, Office of Science and Technology Policy Director John Holdren, and Assistant to the President for Energy and Climate Change Carol Browner.

- The United States supports an internationally legally binding climate agreement and will continue working hard to reach that goal. But with the Copenhagen climate conference fast approaching, world leaders have acknowledged that reaching a legal agreement there is a highly unlikely outcome. Copenhagen presents a critical opportunity to take decisive and immediate global action, to build the institutions that we will need to combat climate change, and to move us closer to our goal of a fully implemented international legal agreement.

- With this in mind, Danish PM Rasmussen has proposed that the international community seek to reach an operational prompt start accord in Copenhagen that would enable us to get started with a strong and concise commitment right away and would move us closer to the legal agreement that we seek.

- To be clear, this is not a substitute for a full legal treaty, but rather an opportunity for the international community to take a step toward a legal agreement. Copenhagen is a critical step, but it is not the end of the process. It is part of our larger collective commitment to meeting one of mankind's greatest challenges and to speed the transition to a low-carbon global economy.

- The Danish proposed accord would move us toward meeting the climate change challenge and would involve immediate global action in which all nations do their fair share.

- o It would include mitigation actions by all major economies, including national reduction targets for developed countries and actions by major developing countries that will reduce their emissions significantly compared to business as usual. The latter point is particularly important in light of International Energy Agency projections that more than 90 percent of carbon dioxide emissions growth from now until 2030 will come from the developing world.

- o It would cover all of the major issues, including adaptation, financing, technology cooperation, dissemination of technology, forest preservation, and others. It would ensure transparency and accountability. And it would establish new mechanisms to support increased financial resources addressing climate change.

- One of the major advantages of a prompt start accord is that it would go into effect immediately.

- As we emerge from Copenhagen, we must continue on the course toward a legal agreement with urgency and resolve.

The U.S. is committed to achieving a legally binding agreement

- The United States supports an internationally legally binding climate agreement and will continue working hard to reach one that includes the following:
  - o Developed countries need to make robust, absolute emissions reductions in the mid-term from a base year (e.g., 1990 or 2005).
  - o Major developing countries must take actions in the mid-term that will significantly reduce their emissions compared to their business as usual path. These reductions must keep the world on an emissions pathway that is consistent with where the science tells us we need to be.
  - o Developed and major developing countries must agree to stand behind our respective actions internationally. Although we are agreeing to different actions, reflecting our different circumstances, our commitment to carrying out those actions must be the same.
  - o Other developing countries need not make any commitments to reduce emissions. They should focus on developing low carbon growth plans, with financial and technological assistance where needed.

Moving the world toward a low-carbon economy

- Ultimately, an international climate agreement must be not just about limiting carbon emissions but must complement and promote sustainable economic development by moving the world toward a low-carbon economy. The effort to build a sustainable, clean energy global economy can drive investment and job creation around the world, while bringing energy services to hundreds of millions of the world's poor.
- An important part of any international agreement will be support for climate change adaptation and clean energy technology deployment. To meet the climate challenge, we need to promote and provide support for the development and dissemination of clean energy technology around the world, including in developing countries. A climate change agreement should provide access to technology and to resources for all countries to reduce emissions and adapt to climate change.
- The U.S. will continue to work hard toward combating climate change and reaching a strong international agreement that puts the world on a pathway to a clean energy future. Achieving a successful outcome in Copenhagen is just one part of our larger collective commitment to meet this common challenge, to speed the transition to a low-carbon global economy, and to leave a cleaner, greener planet for our children and grandchildren.

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
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 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
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 McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Charles  
 Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
 LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
 N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
 Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Charles  
 Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
 LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
 N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Gina  
 McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Charles  
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 LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
 N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Charles  
 Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
 LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
 N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
 Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Charles  
 Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
 LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
 Andy/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];



N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Charles  
Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
Andy/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
N=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
Andy/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora  
Andy/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];  
N=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** []  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/15/2009 4:01:56 PM  
**Subject:** Fw: Background on The President's Meeting on Energy Efficiency & Job Creation  
HERE

[1]  
[2]  
5  
[3]  
[1]  
[2]  
[3]

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 12/15/2009 11:01 AM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
To: Seth Oster/DC/USEPA/US@EPA  
Date: 12/15/2009 10:54 AM  
Subject: Background on The President's Meeting on Energy Efficiency & Job Creation

THE WHITE HOUSE  
Office of the Press Secretary

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—  
FOR IMMEDIATE RELEASE  
December 15, 2009  
Background on The President's Meeting on Energy Efficiency & Job Creation  
Fact Sheet on The Vice President Biden's Memo to The President on Progress Building a Clean Energy  
Economy

BACKGROUND ON THE PRESIDENT'S MEETING ON ENERGY EFFICIENCY & JOB CREATION  
HOME DEPOT  
ALEXANDRIA, VA  
10:45 AM

As a follow up to his speech last week, the President will visit a Home Depot in Alexandria, Virginia this afternoon to highlight the importance of providing incentives to consumers who retrofit their homes save money, reduce the pollution and create jobs. He will first meet with a group representing the labor, small business and manufacturing communities, all stakeholders in the shift to a more energy efficient economy. Following the event, the President will have lunch at the White House with business leaders representing different parts of the supply chain; manufacturing, retail and in-home audits and implementation to discuss the opportunities for creating jobs through incentivizing home energy efficiency upgrades.

The Vice President also sent a memo to the President yesterday afternoon on the positive impact of the energy components of the Recovery Act. Through the Recovery Act and more effective use of programs already in existence, the administration is taking the critical steps to transform the United States into a global clean energy leader. The energy components of the Recovery Act represent the largest single investment in clean energy in American history and are leveraging private investment and fostering American innovation and ingenuity. They are jumpstarting a major transformation of our energy system including unprecedented growth in the generation of renewable sources of energy, enhanced manufacturing capacity for clean energy technology, advanced vehicle and fuel technologies, and a bigger, better, smarter electric grid.

Background on meeting participants below:

Stephon Burgess, Ardently Green

Stephon Burgess is a 23 year old DC resident who was unemployed for 12 months. Recently, Stephon was retrained and hired to work on installing weatherization and energy efficiency solutions in existing homes. He was recruited to the LIUNA Weatherization Training Center by Washington Interfaith Network, a local DC clergy organization and is supported by WeatherizeDC, a non-profit developing community interest in weatherization. Stephon now works full time for Ardently Green, a local small business Home Performance Contractor and Energy Star partner focused on making existing homes more energy efficient.

Gerald Palmer, President, Southland Insulators

Gerald Palmer is the President of Southland Insulators, an insulation and home performance contractor in Northern Virginia. Southland works in residential, commercial and building retrofit. In addition to insulation, Southland has crews trained in Home Performance with Energy Star. Southland has been named "Contractor of the Year" twice by the National Association of Home Builders. Southland currently employs about 100 office and field staff in its Manassas headquarters, and conducts energy efficiency work in about 5000 homes per year.

John R. Shields, Jr., Sheet Metal Workers' International Association

John R. Shields, Jr. grew up in the Washington, DC metropolitan area and currently resides in Crofton, MD. He has been a sheet metal worker since 1977, and came in through their residential program. After working for two years as a residential mechanic, installing sheet metal ductwork in single family homes and townhouses, Mr. Shields entered the apprenticeship program. He completed his four year sheet metal apprenticeship, and has also graduated from the National Labor College with a Bachelor of Arts in Labor Studies. Mr. Shields was a full time instructor for Sheet Metal Workers Local Union #100 for two and one half years, and he currently serves as Business Manager/Financial Secretary for Local Union #100 and the Financial Secretary for the Maryland State and Washington, D.C. Building and Construction Trades Council.

A. Tamasin Sterner, Founder, Pure Energy

Tamasin Sterner has been working on energy efficiency in buildings for 30 years. She is the founder of Pure Energy, an energy services firm that develops, designs, and implements energy efficiency programs for homeowners, utilities, and state energy efficiency agencies. Ms. Sterner is certified by the Building Performance Institute, and she has taught hundreds of courses on energy efficiency strategies for individuals and organizations. Ms. Sterner

and Pure Energy are based in Lancaster, PA.

Michael Thaman, Chairman and CEO, Owens Corning

Michael H. Thaman is the chairman of the board and chief executive officer of Owens Corning, a world leader in building materials and composite systems. He started with Owens Corning in 1992, and has held positions in manufacturing, corporate development and international business. Mr. Thaman earned a Bachelor of Science degree in electrical engineering and computer science from Princeton University where he graduated with highest honors. Mr. Thaman is a member of the Business Roundtable where he chairs the Energy Efficiency Task Force and serves on the Executive Committee of the Policy Advisory Board of the Joint Center for Housing Studies of Harvard University.

#### REMARKS ON ENERGY EFFICIENCY & JOB CREATION

HOME DEPOT

ALEXANDRIA, VA

11:10 AM

After the meeting, President Obama will deliver remarks on energy efficiency and job creation.

The audience will be composed of approximately 40 individuals working on different aspects of energy efficiency – small businesses, labor representatives, contractors, community members, environmental groups, and home retrofit workers, including a group currently being trained in home retrofit and weatherization.

The following officials are also expected to attend:

- Senator Mark Warner, D-VA
- Senator Jeff Merkley, D-OR
- Representative Jim Moran, D-VA
- Representative Gerry Connolly, D-VA
- Representative Peter Welch, D-VT
- Alexandria Mayor William Euille

LUNCH WITH CEOS

PRIVATE DINING ROOM

12:00 PM

\*\*\*Note: this event is closed press\*\*\*

President Obama will continue his ongoing dialogue with American business leaders.

The President will discuss the opportunities for creating jobs through incentivizing home energy efficiency upgrades with the following business leaders:

- Frank Blake, Chairman and CEO, The Home Depot
- Andrew Liveris, President and CEO, The Dow Chemical Company
- Steve Cowell, Chairman and CEO, Conservation Services Group
- Mark Savan, President, Simonton Windows

#### FACT SHEET: VICE PRESIDENT BIDEN'S MEMO TO THE PRESIDENT ON PROGRESS BUILDING A CLEAN ENERGY ECONOMY

Vice President Biden has delivered a progress report to President Obama on how the Recovery Act is helping build a cleaner, more energy-efficient economy by tapping homegrown sources of energy. In his memo to the President, the Vice President details the transformation of our economy underway as a result of the clean energy

foundation the Administration has laid through the Recovery Act and other initiatives.  
The Vice President's memo can be viewed [HERE](#).

## Renewable Energy

Renewable Energy	Where we were on January 1, 2009	Where we are headed by 2012
Gigawatts of renewable energy	27.8 GW	Meet or exceed 55.6 GW
Renewable Manufacturing Capacity	6 GW	Meet or exceed 12 GW

## Vehicles of the Future

Vehicles of the Future	Where we were on January 1, 2009	Where we are headed by 2015
Number of electric vehicle factories in the US	0	3 factories
Advanced Battery Manufacturing Capacity	Negligible	Enough advanced battery manufacturing capacity to support 500,000 Plug-in Hybrid Electric Vehicles a year
Number of Advanced Battery and electric drive component factories in the US	2	30 factories
EV Charging Locations	Less than 500	More than 10,000
Number of Advanced Biofuel Refineries	0 commercial scale refineries	19 pilot, demonstration, and commercial scale refineries by 2012
Average Fleet Fuel Economy	25.1 mpg	
Uncertainty around three national standards		27.3 mpg by end of 2010
Proposed harmonized standards of 35.5 mpg by 2016		

## Smart Grid

Smart Grid	Where we were on January 1, 2009	Where we are headed by 2013
Homes with Smart Meters	8 million	26 million by 2013, headed to 40 million by 2015
Sensors installed to monitor grid conditions	160 sensors installed	

Incomplete grid coverage 877 sensors installed  
Visibility across the entire U.S. transmission system[1]

## Energy Efficiency

Energy Efficiency	Where we were on January 1, 2009	Where we are headed by 2012
Home Energy Efficiency Retrofits	100,000 per year	1 million[2]
Average Number of Appliance Standards set per year	1 per year (2001-2008)	6 per year (2009-2012)

## Carbon Capture

Carbon Capture	Where we were on January 1, 2009	Where we are headed by 2015
Number of commercial scale power plants operating with large CCS facilities	0	5
Tons of carbon dioxide sequestered per year	Negligible	Over 12 million tons per year[3]

## Science and Innovation

Science and Innovation	Where we were on
------------------------	------------------

January 1, 2009 Where we are headed by 2012

Advanced Research Projects Agency – Energy \$0

\$400 million (Recovery Act)

Up to 100 high-risk, high reward advanced energy technology research projects

###

[1] Coverage includes the North American high voltage transmission system.

[2] This will be a result of public and private investment.

[3] Based on projects proposed to DOE for sequestration facilities at both industrial facilities and power plants.

**To:** "Jackson, Lisa P." [windsor.richard@epa.gov]; Sussman, Bob" [sussman.bob@epa.gov]; Stanislaus, Mathy" [stanislaus.mathy@epa.gov]; Heinzerling, Lisa" [Heinzerling.Lisa@epamail.epa.gov]; Perciasepe, Bob" [Perciasepe.Bob@epamail.epa.gov]; Thompson, Diane" [Thompson.Diane@epamail.epa.gov]; Fulton, Scott" [fulton.scott@epa.gov]  
**Cc:** "Oster, Seth" [Oster.Seth@epa.gov]  
**From:** CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/15/2009 4:02:39 PM  
**Subject:** Ummm...

Administrator, you have your own Christmas carols...

Coal Ash Regs Are Comin' To Town  
Rob Perks  
Director, NRDC - Center for Advocacy Campaigns,  
Washington, D.C.  
Posted December 15, 2009 in Curbing Pollution , Health and the Environment , Solving Global Warming

Call it a gift or a curse, but I have a thing for song parody. I'm like the Weird Al Yankovic of environmentalists. Usually my peculiar "talent" gets displayed at the office holiday party. Who can forget my odes to coal belted out last year by NRDC's in-house carolers?

Unfortunately, I missed this year's party due to travel. But never fear, I give to you the 2009 coal carol -- ba-rumpa, bum, bum.

Coal Ash Regs Are Comin' To Town

She's making a list,  
Priority: High,  
Gonna find out who's wet or dry.  
Coal ash regs are comin' to town!

-----

Yes, Lisa Jackson,  
Is making all haste,  
EPA's cracking down, On combustion waste.  
Coal ash regs are comin' to town!

-----

She knows which landfill's leaching,  
She knows which pond might break,  
She knows they all lack liners,  
Close 'em down, for goodness sake!

-----

One-thirty million tons,  
Ev-ery year,  
Spew from coal plants, Far and near.  
Coal ash regs are comin' to town!

-----

So, you better watch out,  
Coal waste fly,  
A high hazard, Either wet or dry.  
Coal ash regs are comin' to town!

-----

So, don't worry about a lump of coal in your stocking. Tops on this year's wish list are new federal

regulations to finally treat dirty, unsafe coal ash as hazardous waste. Just be sure to send your letter to EPA Administrator Lisa Jackson to make your holiday wish come true. Happy holidays, everyone!

MABL.

-----

M. Allyn Brooks-LaSure

Office of the Administrator

U.S. Environmental Protection Agency

Cell: **Personal Privacy**

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Tue 12/15/2009 9:20:41 PM  
**Subject:** Fw: CCR costs

Maybe more than you want to know but an interesting nuance . . .

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 12/15/2009 04:19 PM -----

From: Laurel Celeste/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, "Matt Hale" <hale.matt@epa.gov>, "Mary-Kay Lynch" <lynch.mary-kay@epa.gov>, "John Michaud" <michaud.john@epa.gov>, Matt Straus/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA  
Date: 12/15/2009 04:15 PM  
Subject: Re: Fw: CCR costs

Confidential Attorney Client Communication  
Do Not Release Under FOIA

Bob

# Attorney Client



# Attorney Client

From: Matt Straus/DC/USEPA/US  
To: "Mary-Kay Lynch" <lynch.mary-kay@epa.gov>, "John Michaud" <michaud.john@epa.gov>, "Laurel Celeste" <celeste.laurel@epa.gov>  
Cc: "Matt Hale" <hale.matt@epa.gov>  
Date: 12/12/2009 06:06 PM  
Subject: Fw: CCR costs

See email below.

-----  
Sent by EPA Wireless E-Mail Services

----- Original Message -----

From: Bob Sussman  
Sent: 12/12/2009 04:34 PM EST  
To: Mathy Stanislaus; Matt Hale; Matt Straus; Lisa Feldt; Lisa Heinzerling; Barry Breen  
Subject: CCR costs

Matt will say I'm a broken record but, in the whirl of activity, I wanted to make sure we get around to drilling down on the costs of closing impoundments and breaking out the individual cost elements as well as the costs that would be incurred even if impoundments simply had to install liners without closing. I suspect this will become an issue sooner or later in the OMB discussions as the focus shifts to how to reduce the costs.

I'd also appreciate a clear answer to the question of whether we could require impoundment phaseouts under a D rule or would be under some constraints. I have the impression that phaseout could be required under D but it would be more complicated than under C. Right?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Wed 12/16/2009 3:59:51 PM  
**Subject:** Chemical Risk Management Plan Update

I know you're traveling today and wanted to share the latest thinking on the chemical risk management plans, which we discussed with the Administrator at this morning's staff meeting.

The Administrator confirmed her desire to release the plans before the end of the year, as she promised. This means that, one way or another, after we hear back from OIRA on Monday, we will move as quickly as possible to address any OMB comments, finalize the plans and announce their availability. Ideally, we'll get this done next week before Christmas but, if not, we'll target the following week.

Turning to decabrom, Seth apparently confirmed with his contacts that the producers do not want to wait to announce their voluntary phase-out. The Administrator said she would call Cass Sunstein and ask for immediate clearance of the action plan for these chemicals so we can release it concurrent with the industry announcement. This would mean a separate EPA press release which would reference and speak to the industry phase-out.

Let me know if all this works for you. We'll try to get the Administrator to call Cass today since it appears the industry is moving pretty quickly.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Shalini Vajjhala/OU=DC/O=USEPA/C=US@EPA;"Michelle DePass" [depass.michelle@epa.gov]; N=Shalini Vajjhala/OU=DC/O=USEPA/C=US@EPA;"Michelle DePass" [depass.michelle@epa.gov]; Michelle DePass" [depass.michelle@epa.gov]  
**From:** CN=Scott Fulton/OU=DC/O=USEPA/C=US  
**Sent:** Wed 12/16/2009 4:27:24 PM  
**Subject:** Re: Your ok

Should we get a clearer sense of what we would be advancing in your name? Probably okay, and we should do whatever we can to help the Administration out of this jam, but it still would still be good to know what the proposal would look like.

----- Original Message -----

From: Richard Windsor  
Sent: 12/16/2009 11:00 AM EST  
To: Shalini Vajjhala; "Michelle DePass" <depass.michelle@epa.gov>  
Cc: Scott Fulton  
Subject: Re: Your ok  
Are you OK with what is below?

----- Original Message -----

From: Shalini Vajjhala  
Sent: 12/16/2009 10:57 AM EST  
To: Richard Windsor; "Michelle DePass" <depass.michelle@epa.gov>  
Cc: Scott Fulton  
Subject: Re: Your ok  
Hanging in there.  
Security is very tight, but the media reports are more extreme than anything we are seeing on the ground.

----- Original Message -----

From: Richard Windsor  
Sent: 12/16/2009 10:52 AM EST  
To: "Michelle DePass" <depass.michelle@epa.gov>; Shalini Vajjhala  
Cc: Scott Fulton  
Subject: Fw: Your ok  
FYI. You both ok?

----- Original Message -----

From: Gina McCarthy  
Sent: 12/16/2009 10:29 AM EST  
To: Richard Windsor  
Subject: Your ok  
I need to use your name to get leverage with State to make them consider an option that we think could break the logjam on the MRV issue. Its no big deal, just takes MRV out of political arena and puts it into a technical arena (by expanding the recently signed MOU with between EPA and China). No one seems to care about our opinion at State but they will if they think you want it looked at. Ok to use your name?

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA[]; N=Steve Owens/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Wed 12/16/2009 4:32:00 PM  
**Subject:** Re: Chemical Risk Management Plan Update

**Deliberative**

Seth

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

**From:** Bob Sussman/DC/USEPA/US  
**To:** Steve Owens/DC/USEPA/US@EPA  
**Cc:** Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
**Date:** 12/16/2009 10:59 AM  
**Subject:** Chemical Risk Management Plan Update

I know you're traveling today and wanted to share the latest thinking on the chemical risk management plans, which we discussed with the Administrator at this morning's staff meeting.

**Deliberative**

**Deliberative**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Diane Thompson/OU=DC/O=USEPA/C=US  
**Sent:** Wed 12/16/2009 10:35:07 PM  
**Subject:** 2 rules just cleared

hold-up was at OMB. can explain tomorrow.

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Wed 12/16/2009 11:01:40 PM  
**Subject:** Fw: Polybrominated Diphenyl Ethers (PBDE's)

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 12/16/2009 06:01 PM -----

**From:** Steve Owens/DC/USEPA/US  
**To:** "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Seth Oster" <Oster.Seth@epamail.epa.gov>  
**Date:** 12/16/2009 04:33 PM  
**Subject:** Fw: Polybrominated Diphenyl Ethers (PBDE's)

Fyi

**From:** "Sunstein, Cass R." [Attorney Client]  
**Sent:** 12/16/2009 03:36 PM EST  
**To:** Steve Owens  
**Subject:** Polybrominated Diphenyl Ethers (PBDE's)

Hi Steve – I received a nice call from Lisa J. about possibly finishing on this Action Plan tomorrow. It wasn't clear if she needed that. Because we have now given agencies until Friday, and because all this has to be coordinated with communications and legislative affairs offices, tomorrow would be very tough. Just an FYI? (We are fast but this seems to be a 400 rather than 100 meter race!)

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** []  
**From:** CN=Seth Oster/OU=DC/O=USEPA/C=US  
**Sent:** Thur 12/17/2009 6:09:21 PM  
**Subject:** Coal Ash -- Industry report on effects of possible EPA rule

Assume others are aware of, and/or have seen this report that was cited in Inside EPA this morning.

Seth

-----  
**Draft Study Finds 'Hazardous' EPA Ash Rules Could Shutter Coal Utilities**

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The Electric Power Research Institute (EPRI), a research organization that does not advocate for particular policy outcomes, is studying the possible impacts on coal-fired power plants if EPA designates coal ash as hazardous in its upcoming, first-time Resource Conservation & Recovery Act (RCRA) rules for the waste. Utility lobbyists fear a hazardous designation would be a "game changer" that would boost costs and cause plant closures.

EPRI's preliminary findings show a hazardous waste rule for coal ash could shutter from 190 to 411 coal-fired generation units in the Midwest, Mid-Atlantic, Texas and Southeast regions, Ken Ladwig, EPRI senior research manager, told a Dec. 10 House Energy & Commerce Committee environment panel hearing. Additionally, Regional Transmission Organizations (RTOs) that move electricity across several states would see drops of between 4 and 19 percent in generation capacity, according to Ladwig's testimony at the hearing.



The largest RTO -- PJM Interconnection LLC which serves parts of Delaware, Illinois, Ohio, 11 other states and the District of Columbia -- would experience a 12 to 19 percent drop in generation capacity, the preliminary findings show. Texas would suffer a 7 to 14 percent loss, the RTO for the Midwest would lose between 5 and 8 percent of its capacity, and the Southeast regulated areas could face between a 4 and 9 percent drop in capacity, Ladwig said. Ladwig was among a number of stakeholders at the hearing, where environment subcommittee Chairman Edward Markey (D-MA) urged EPA to include first-time restrictions on the beneficial reuse of coal combustion waste as part of its pending RCRA coal ash proposal, warning that some beneficial reuses of coal ash can result in heavy metals within the ash leaching out and contaminating water supplies (see related story).

While Ladwig cautioned that the findings are preliminary, EPRI has presented some early results to the White House Office of Management & Budget (OMB), which is reviewing EPA's coal waste proposal, expected later this month. The results focus on the specific impacts on coal-fired power plants if they were required under a hazardous waste designation to switch from "wet" coal ash disposal in surface impoundments and other ponds to dry coal ash storage, for example in a landfill. Environmentalists say EPA's rules should ban any future wet disposal of coal ash.

EPRI has also had discussions with staff in the Federal Energy Regulatory Commission's (FERC) Office of Reliability about its report and the focus of future coal ash studies. A source with the Edison Electric Institute (EEI), which represents investor-owned utilities, says FERC wants to see a final report from EPRI before taking any action, but in the meantime the energy commission is coordinating with industry including EEI to examine the potential impacts on electricity reliability in the event EPA opts to regulate coal ash as hazardous (Inside EPA, Dec. 11).

While EPRI's draft findings that hazardous coal waste rules could shutter more than 400 coal-fired power plants are preliminary, the power industry could nevertheless get a boost from the findings in its opposition to EPA issuing any RCRA hazardous waste rules for coal ash.

Sources with EEI have previously said that any type of hazardous designation could be a negative "game changer" for the coal-fired power plant industry and raise the specter of power plants having to close down due to being unable to handle the massive new regulatory costs that such a designation would create.

EEI has pursued an aggressive effort to have its industry members send letters to EPA opposing hazardous waste rules for coal ash and is also engaging in last-minute lobbying with OMB, the White House Council on Environmental Quality and other key Obama administration offices to try and win their opposition to hazardous waste rules.

EPA is pursuing first-time RCRA rules for the disposal of coal waste in the wake of a massive coal ash spill at a Tennessee Valley Authority (TVA) facility in December 2008. Environmentalists argue that the spill shows that industry is inadequately handling the waste and that it highlights the dangers of wet disposal of coal ash. One informed source says that EPA may issue its proposal on Dec. 22, the first anniversary of the TVA spill.

EEI argues that EPA should adopt new federal non-hazardous waste regulations under RCRA for waste management facilities where coal ash is stored, according to EEI documents. EEI has argued that regulating coal ash as non-hazardous waste is consistent with EPA's 2000 regulatory determination that "coal ash does not warrant regulation as a hazardous waste," according to both EEI statements made earlier this year and sources with the trade association.

Various industry groups have also held a number of meetings with OMB in recent weeks, including the Portland Cement Association which met with OMB and EPA officials Nov. 17 to warn about negative associations a hazardous waste designation would have on coal ash, which could harm the beneficial reuse industry. Several power companies including American Electric Power, First Energy and Duke Energy have also recently met with OMB and EPA.

The informed source says there is reportedly significant opposition to EPA's preferred approach of regulating coal ash through a hybrid approach that would designate some coal ash disposal as hazardous and other types as non-hazardous solid waste, due to concerns about costs and minimal benefits. The source says that in addition to industry, other agencies may be raising concerns with EPA, but the agency appears hesitant to drop the hybrid plan.

EPRI is now internally reviewing a draft version of its report into how hazardous EPA waste rules for coal ash could impact power generation and grid reliability, expected for release sometime next year.

EPA is expected to declare at least some forms of coal ash, including those stored in wet impoundments, as hazardous waste subject to strict storage and handling requirements.

Once the research organization makes its report final next year it will formally submit the findings to EPA, FERC

and OMB. A related ongoing EPRI report could emerge in 2010 providing an in-depth analysis of the cost of hazardous waste disposal, and wet-to-dry conversion of fly ash and bottom ash handling systems.

One of the barriers to a more detailed analysis before 2010 is uncertainty about the pending EPA regulations, Ladwig told the hearing. A more detailed analysis is a complicated undertaking that requires a specialized modeling system to assess the cost impacts from a change in regulation. For now, the report focuses on the preliminary results of how reliability would be impacted under potential EPA regulatory changes for coal-fired power plants.

Ladwig noted in his testimony that, "The magnitude of potential shutdowns in terms of lost capacity (resource adequacy) is only a partial picture of the regulatory impacts."

Ladwig added that EPRI's data is a preliminary analysis and that other metrics had not been examined, including electricity price impacts, job losses, "distributional equity (i.e., identification of who would benefit and who would bear the costs)," and secondary market impacts, such as impacts on coal mining, natural gas production and the "beneficial use markets" for coal ash, including concrete manufacturing and the construction industry. In a list of possible subjects to evaluate in the future, Ladwig also noted "transmission security impacts due to unit closures."

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**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Thur 12/17/2009 6:14:10 PM  
**Subject:** Re: Coal Ash -- Industry report on effects of possible EPA rule

What do we know about the EPRI rationale? Their conclusions are bizarre.

----- Original Message -----

From: Seth Oster

Sent: 12/17/2009 01:09 PM EST

To: Richard Windsor; Mathy Stanislaus; Diane Thompson; Bob Sussman; Bob Perciasepe; Arvin Ganesan; David McIntosh

Subject: Coal Ash -- Industry report on effects of possible EPA rule

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Seth

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Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

**To:** CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott  
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane  
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob  
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=David  
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Seth  
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Lisa  
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin  
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-  
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LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-  
LaSure/OU=DC/O=USEPA/C=US@EPA[]

**Cc:** []

**From:** CN=Lawrence Elworth/OU=DC/O=USEPA/C=US  
**Sent:** Thur 12/17/2009 6:17:31 PM  
**Subject:** rfs 2 follow-up

FYI - Joe Goffman indicated that, as noted this morning, the RFS FAR went well - the rule will go over to OMB tomorrow

Lawrence Elworth  
Agricultural Counselor to the Administrator  
U. S. Environmental Protection Agency  
2415 Ariel Rios North  
202 564-1530

**To:** "Lisa Jackson" [windsor.richard@epa.gov]; Bob Perciasepe"  
[Perciasepe.Bob@epamail.epa.gov]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/18/2009 1:01:00 PM  
**Subject:** update on SCC

We have reached an interagency agreement on the assumptions underlying the SCC. We are also close to an agreement on how to combine the many different values our analysis will produce into five values on which future regulatory analyses will focus.

**Deliberative**

Let me know if you have questions or concerns. Thank you.



**To:**

windsor.richard@epa.gov;oster.seth@epa.gov;mccarthy.gina@epa.gov;heinzerling.lisa@epa.gov;thompson.diane@epa.gov[];  
ster.seth@epa.gov;mccarthy.gina@epa.gov;heinzerling.lisa@epa.gov;thompson.diane@epa.gov[];  
cCarthy.gina@epa.gov;heinzerling.lisa@epa.gov;thompson.diane@epa.gov[];  
einzerling.lisa@epa.gov;thompson.diane@epa.gov[]; hompson.diane@epa.gov[]

**Cc:** []

**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US

**Sent:** Fri 12/18/2009 2:28:58 PM

**Subject:** Fw: KY IGCC

Just FYI. Paul works for one of the bigger coal front groups. I'm not under any obligation to reply to him.

----- Forwarded by David McIntosh/DC/USEPA/US on 12/18/2009 09:24 AM -----

From: "Paul Bailey" <[Personal Privacy]>  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 12/18/2009 08:48 AM  
Subject: KY IGCC

David --

I could use your help. I'm trying to prevent some of the coal producers from flipping out about the Administrator's decision to grant objections to the permit for the Cash Creek IGCC plant. They (and, of course, their lawyers) think this means that EPA is biased towards natural gas and signals that EPA will try to force the use of natural gas in lieu of coal. I've read the Administrator's response, which seems clear that considering natural gas as BACT is a strictly procedural matter. Can you think of anything else that can be said or done to allay some of their paranoia? We have an ACCCE Board call this afternoon and someone might bring up this issue.

Also, do you have time to get together for breakfast?

Thanks much,

Paul

[Personal Privacy]

**To:**

heinzerling.lisa@epa.gov;mccarthy.gina@epa.gov;oster.seth@epa.gov;thompson.diane@epa.gov;windsor.richard@epa.gov[];  
ccarthy.gina@epa.gov;oster.seth@epa.gov;thompson.diane@epa.gov;windsor.richard@epa.gov[];  
ster.seth@epa.gov;thompson.diane@epa.gov;windsor.richard@epa.gov[];  
hompson.diane@epa.gov;windsor.richard@epa.gov[]; indsor.richard@epa.gov[]

**Cc:** []

**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US

**Sent:** Fri 12/18/2009 3:32:53 PM

**Subject:** Re: Fw: KY IGCC

Having just read the EPA order, I think that all the explanation anyone needs is right there on pages 7-10. I think it's well articulated and well crafted to make it difficult for people to demagogue it. In my external relations work, I'll focus on simply pointing people, repeatedly and insistently, to the language used on pages 7-10.

From: David McIntosh/DC/USEPA/US

To: windsor.richard@epa.gov, oster.seth@epa.gov, mccarthy.gina@epa.gov,  
heinzerling.lisa@epa.gov, thompson.diane@epa.gov

Date: 12/18/2009 09:28 AM

Subject: Fw: KY IGCC

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[Personal Privacy]

**To:** "Lisa Jackson" [windso.richard@epa.gov]; Bob Perciasepe"  
[Perciasepe.Bob@epamail.epa.gov]  
**From:** CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/18/2009 6:34:05 PM  
**Subject:** Fw: DICE + PAGE 2010 SCC Values  
SCC tables.xls

**Deliberative**

Let me know if you have questions,

----- Original Message -----

From: Elizabeth Kopits

Sent: 12/18/2009 11:32 AM EST

To: Lisa Heinzerling; Al McGartland

Cc: Steve Newbold; Charles Griffiths

Subject: DICE + PAGE 2010 SCC Values

Hi Lisa and Al,

Attached are the 2010 SCC values from DICE and PAGE. They are: \$2.2, \$6.6, \$25.1, \$39.8, and \$46.2 (2007\$/ton CO2).

(We will send along the remaining years as soon as we can.)

**Deliberative**

Feel free to call me if you would like me to walk you through any of the file.

Thanks,  
Elizabeth  
202-566-2299

**Deliberative**

**Deliberative**

**Deliberative**

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**To:** windsor.richard@epa.gov;oster.seth@epa.gov;depass.michelle@epa.gov[];  
ster.seth@epa.gov;depass.michelle@epa.gov[]; epass.michelle@epa.gov[]  
**Cc:** []  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/18/2009 9:50:19 PM  
**Subject:** Fw: Copenhagen Update

----- Forwarded by David McIntosh/DC/USEPA/US on 12/18/2009 04:49 PM -----

From: "Zelman, Allison L." <[REDACTED] Personal Privacy>  
To: "Zelman, Allison L." <[REDACTED] Personal Privacy> <Robert.Letteney@dot.gov>, "Aldy,  
Joseph E." <[REDACTED] Personal Privacy>, KevinJ Bailey/DC/USEPA/US@EPA, "Ben Kobren"  
<kobrenbm@state.gov>, "Brian Kennedy" <Kennedy.Brian@Dol.gov>, <Christine.koronides@sba.gov>,  
<Christopher\_Mansour@ios.doi.gov>, "Cobb Mixer" <Cobb.mixer@do.treas.gov>, "Courtney Gregoire"  
<CGregoire@doc.gov>, <Dan.Utech@hq.doe.gov>, <dana.gresham@dot.gov>, "Dave Turk"  
<TurkDM@state.gov>, <david.kim@dot.gov>, <David.Vandivier@do.treas.gov>,  
<Donny.R.Williams@hud.gov>, <emil.michael@sd.mil>, "Farrell, Diana" <[REDACTED] Personal Privacy>  
"Fisher, Alyssa D." <[REDACTED] Personal Privacy> "Givens, Shelia" <[REDACTED] Personal Privacy>  
Jessica Gordon/DC/USEPA/US@EPA, <Grant.Leslie@osec.usda.gov>, <HobgoodTD@state.gov>, "Jimenez,  
Luis A." <[REDACTED] Personal Privacy> <Joan.Evans@va.gov>, <john.gray@noaa.gov>,  
<John.Conger@osd.mil>, "Jonathan.Levy@hq.doe.gov" <'Jonathan.Levy@hq.doe.gov'>, "Morris, Jonathan  
G." <[REDACTED] Personal Privacy> "Josh Jacobs" <Joshua.Jacobs@va.gov>,  
<Judson.Jaffe@do.treas.gov>, "Kalil, Thomas A." <[REDACTED] Personal Privacy>  
<Krysta.harden@osec.usda.gov>, <Lauren.Kidwell@hhs.gov>, "Lee, Hannah"  
<[REDACTED] Personal Privacy> <MacDonald.Laura@dol.gov>, David McIntosh/DC/USEPA/US@EPA,  
<Meghan\_Conklin@ios.doi.gov>, "Moilanen, Stephen S." <[REDACTED] Personal Privacy>  
<OgdenPR@state.gov>, <Andrea.Palm@hhs.gov>, <PedersonED@state.gov>, <Peter.Kovar@hud.gov>,  
"Richard Verma" <vermarr@state.gov>, <Roberto.Rodriguez@do.treas.gov>,  
<Sarah\_Bittleman@ios.doi.gov>, "Schenewerk, Caryn B." <[REDACTED] Personal Privacy>  
"Seamus Ahern" <Seamus.Ahern@osd.mil>, "Stacey Rolland" <Stacey.Rolland@do.treas.gov>,  
<Steve\_Black@ios.doi.gov>, <Tina.May@osec.usda.gov>, <Uzzell.Megan@dol.gov>, "Zichal, Heather R."  
<[REDACTED] Personal Privacy>, "Watkins, Kyle D." <[REDACTED] Personal Privacy> "Lee, Hannah"  
<[REDACTED] Personal Privacy> "Agnew, David P." <[REDACTED] Personal Privacy> "Carson, Jonathan  
K." <[REDACTED] Personal Privacy> "Dillon, Patrick" <[REDACTED] Personal Privacy> "Glunz,  
Christine M." <[REDACTED] Personal Privacy> "Lee, Hannah" <[REDACTED] Personal Privacy> "Lee,  
Jesse C." <[REDACTED] Personal Privacy> "Lehrich, Matthew A." <[REDACTED] Personal Privacy>  
"Levine, Jacob C." <[REDACTED] Personal Privacy> "McGrath, Shaun L."  
<[REDACTED] Personal Privacy> "Moilanen, Stephen S." <[REDACTED] Personal Privacy>  
"Nelson, Gregory S." <[REDACTED] Personal Privacy> "Russell, Anthony L."  
<[REDACTED] Personal Privacy> "Salzman, Amelia S." <[REDACTED] Personal Privacy> "Shah,  
Tarak N." <[REDACTED] Personal Privacy> "Wall intern, Mary" <[REDACTED] Personal Privacy>  
"Wicks, Buffy" <[REDACTED] Personal Privacy> "Zichal, Heather R." <[REDACTED] Personal Privacy> "Ahsha  
Tribble" <Ahsha.Tribble@noaa.gov>, "Andrea Mead" <Andrea.D.Mead@hud.gov>, "Brandon Hurlbut"  
<Brandon.hurlbut@hq.doe.gov>, <Brian\_Screnar@ios.doi.gov>, <Christine.koronides@sba.gov>,  
"Courtney Gregoire" <CGregoire@doc.gov>, "Emil Michael" <emil.michael@sd.mil>, "Fetter, Steven A."  
<[REDACTED] Personal Privacy> <James.C.Lopez@hud.gov>, Jessica Gordon/DC/USEPA/US@EPA,  
<jim.sullivan@va.gov>, "John Conger" <John.Conger@osd.mil>, "Jonathan Cordone"  
<Jonathan.Cordone@exim.gov>, "Kate Brandt" <kate.brandt@navy.mil>, <kathryn.thomson@dot.gov>,  
"Kenneth Lane" <Kenneth\_lane@ios.doi.gov>, "Laura MacDonald" <MacDonald.Laura@dol.gov>, "Laura  
Tatum" <tatum.laura@dol.gov>, "Leslie Grant" <Grant.Leslie@osec.usda.gov>, "Lindsay Daschle"  
<Lindsay.Daschle@osec.usda.gov>, David McIntosh/DC/USEPA/US@EPA, "Megan Uzzell"  
<Uzzell.Megan@dol.gov>, "Missy Owens" <Missy.Owens@hq.doe.gov>, <Nate.Turnbull@Dot.Gov>,

"Parita Shah" <PShah@doc.gov>, "Peter Ogden" <ogdenPR@state.gov>, "Pitzer, Karrie S." <[Personal Privacy] > "Rod O'Connor" <Rod.Oconnor@hq.doe.gov>, "Sandy Howard" <Sandra.Howard@hhs.gov>, <shelley.r.poticha@hud.gov>, Shira Sternberg/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, "Taylor Ferrell" <taylor.ferrell@navy.mil>, "Zofia Sztukowski" <Zofia.Sztukowski@exim.gov>  
Cc: "Belive, Lauren" <Lauren\_Belive@who.eop.gov>, "Maher, Jessica A." <Jessica\_A.\_Maher@ceq.eop.gov>, "Heimbach, James T." <James\_T.\_Heimbach@who.eop.gov>, "Greenawalt, Andrei M." <Andrei\_M.\_Greenawalt@who.eop.gov>  
Date: 12/18/2009 04:48 PM  
Subject: Copenhagen Update

Hi everyone,  
Jess asked me to pass along this Copenhagen update below. The President is currently doing a press conference and we will send a press release along soon.

Thanks!  
Allison

Allison Zelman  
Legislative Affairs  
White House Council on Environmental Quality  
[Personal Privacy] work

Subject: Copenhagen Update

Wanted to make you aware of the following - later this evening, the President will be doing a press conference. During that press conference, he will be announcing the following breakthrough in international negotiations:

Today, following a multilateral meeting between President Obama, Premier Wen, Prime Minister Singh, and President Zuma a meaningful agreement was reached. It's not sufficient to combat the threat of climate change but it's an important first step.

We entered this negotiation at a time when there were significant differences between countries. Developed and developing countries have now agreed to listing their national actions and commitments, a finance mechanism, to set a mitigation target of two degrees Celsius and to provide information on the implementation of their actions through national communications, with provisions for international consultations and analysis under clearly defined guidelines.

No country is entirely satisfied with each element but this is a meaningful and historic step forward and a foundation from which to make further progress.

We thank the emerging economies for their voluntary actions and especially appreciate the work and leadership of the Europeans in this effort.

---

Sent by my Blackberry Wireless

**To:** "Arvin Ganesan" [Ganesan.Arvin@epamail.epa.gov]  
**Cc:** "Mathy Stanislaus" [Stanislaus.Mathy@epamail.epa.gov]; Lisa P. Jackson"  
[Windsor.Richard@epamail.epa.gov]; David McIntosh" [McIntosh.David@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/18/2009 10:08:28 PM  
**Subject:** CCR on the Hill

Quinn Shea of EEI claims that they are talking to several Hill offices (including many Ds in the senate) and getting strong support for their position. Is there a way to take some soundings and see what some of the offices are thinking?

To: Richard Windsor/DC/USEPA/US@EPA[]  
From: Personal Privacy  
Sent: Fri 12/18/2009 10:10:57 PM  
Subject: Fw: Followup information....region 4

Personal Privacy

Sent via BlackBerry by ATP  
From: Personal Privacy  
Date: Mon, 23 Nov 2009 18:11:04 +0000  
To: Lisa Jackson<Personal Privacy>  
Subject: Fw: Followup information....region 4

Sent from my Verizon Wireless BlackBerry  
From: "forest harper" <Personal Privacy>  
Date: Sun, 22 Nov 2009 23:34:19 -0500  
To: Personal Privacy  
Subject: Followup information....

Heidi,

Please pass on the following information to Mrs Jackson

She can call me on my cell to allow me to walk her through the information. Personal Privacy

Forest,

I can be reached at home, Personal Privacy or on my cell at Personal Privacy

Thanks

Forest

Personal Privacy

## Personal Privacy

of the Georgia Environmental Facilities Authority (GEFA), a state environmental bank that promotes economic development and stewardship through the direct financing of infrastructure and the administration of environmental programs. In this capacity, [Personal Privacy] is part of a leadership team overseeing multimillion loan and grant agreements with local governments and non profit organizations that protect the state's natural resources. In addition, he provides policy advice, support and consultation for the agency's water, energy and land conservation programs. He has been in the public finance and grant administration field for 24 years, and is an active member of numerous boards including the Environmental Financing Advisory Board and the Council of Infrastructure Financing Authority. [Personal Privacy]

# Personal Privacy

## Personal Privacy

[Personal Privacy] at Oglethorpe Power. Oglethorpe Power Corp. is a \$4.8 billion power supply cooperative that manages generating assets and power purchase contracts on behalf of the 39 Electric Membership Corporations (EMCs) that it serves. These cooperatives provide retail electric service to more than 3.7 million Georgians. [Personal Privacy]

## Personal Privacy

## Personal Privacy

[Personal Privacy] of the Georgia Power Foundation, Inc. and serves as Georgia Power's [Personal Privacy]  
[Personal Privacy] The Foundation was created in 1986 to bring greater clarity and strategic focus to the company's philanthropic activities. [Personal Privacy] vast experience and passion for community service serves him well as [Personal Privacy] of the Foundation. After graduating from [Personal Privacy]

# Personal Privacy

## Personal Privacy

[Personal Privacy] for Cobb County since 1993. He first joined Cobb County Government as

## Personal Privacy

Previously, he served as a

## Personal Privacy

# Personal Privacy

## Personal Privacy

[Personal Privacy] for the East Region of PBS&J, one of the nation's largest engineering and architecture firms. In this role, [Personal Privacy] is responsible for overall business strategy and profitability, client service, and community affairs for PBS&J's offices from Mississippi to the New York/New Jersey area. He

began his career with the **Personal Privacy** in various engineering roles. He began his public sector career serving as the first **Personal Privacy** for the city of Atlanta. Later, he became the **Personal Privacy** and led the department in its preparations for operations during the 1996 Centennial Olympic Games.

Executive Leadership Council Candidates:

**Personal Privacy**

**Personal Privacy**

Aera Energy LLC

**Personal Privacy**

10000 Ming Avenue

Bakersfield, CA 93311

**Personal Privacy**

**Personal Privacy**

Honeywell International, Inc.

**Personal Privacy**

3201 West Lomita Blvd.

Torrance, CA 90505

**Personal Privacy**

**Personal Privacy**

Duke Energy Corp.

**Personal Privacy**

526 South Church Street/EC2XB

Charlotte, NC 28202

**Personal Privacy**

**Personal Privacy**

Spectra Energy Corporation

**Personal Privacy**

5400 Westheimer Court

Houston, TX 77056

**Personal Privacy**

**Personal Privacy**

Progress Energy

**Personal Privacy**

410 S. Wilmington St

Raleigh, NC 27601

**Personal Privacy**

**Personal Privacy**

GE Energy

**Personal Privacy**

1333 west Loop South STE 1000

Houston, TX 77027

**Personal Privacy**

**Personal Privacy**

Progress Energy

**Personal Privacy**

PO Box 1551

Raleigh, NC 27602

**Personal Privacy**

**Personal Privacy**

Marathon Oil Corporation

**Personal Privacy**

5555 San Felipe

Houston, TX 77056

**Personal Privacy**



**Personal Privacy**

**Personal Privacy**

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Arvin Ganesan/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/18/2009 10:11:24 PM  
**Subject:** Re: CCR on the Hill

I've heard from several of these offices - including sen levin, stabenow and moderate house offices. At this point, aside from congressman space, they haven't 'lodged a complaint' on behalf of EEI but have just noted that there is a hubbub of activity.

Sent from my Blackberry Wireless Device

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 12/18/2009 05:08 PM EST  
**To:** Arvin Ganesan  
**Cc:** Mathy Stanislaus; Richard Windsor; David McIntosh  
**Subject:** CCR on the Hill

Quinn Shea of EEI claims that they are talking to several Hill offices (including many Ds in the senate) and getting strong support for their position. Is there a way to take some soundings and see what some of the offices are thinking?

**To:** windsor.richard@epa.gov;oster.seth@epa.gov;depass.michelle@epa.gov[];  
ster.seth@epa.gov;depass.michelle@epa.gov[]; epass.michelle@epa.gov[]  
**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/18/2009 11:33:17 PM  
**Subject:** Fw: Remarks by the President during press availability in Copenhagen - ceq in the  
news  
[mime.htm](#)

From: "Zelman, Allison L." [Personal Privacy]  
Sent: 12/18/2009 06:31 PM EST  
To: "Zelman, Allison L." [Personal Privacy] <Robert.Letteney@dot.gov>; "Aldy, Joseph E." [Personal Privacy] KevinJ Bailey; "Ben Kobren" <kobrenbm@state.gov>; "Brian Kennedy" <Kennedy.Brian@Dol.gov>; <Christine.koronides@sba.gov>; <Christopher\_Mansour@ios.doi.gov>; "Cobb Mixer" <Cobb.mixer@do.treas.gov>; "Courtney Gregoire" <CGregoire@doc.gov>; <Dan.Utech@hq.doe.gov>; <dana.gresham@dot.gov>; "Dave Turk" <TurkDM@state.gov>; <david.kim@dot.gov>; <David.Vandivier@do.treas.gov>; <Donny.R.Williams@hud.gov>; <emil.michael@sd.mil>; "Farrell, Diana" [Personal Privacy] "Fisher, Alyssa D." [Personal Privacy] "Givens, Shelia" [Personal Privacy] Jessica Gordon; <Grant.Leslie@osec.usda.gov>; <HobgoodTD@state.gov>; "Jimenez, Luis A." [Personal Privacy] <Joan.Evans@va.gov>; <john.gray@noaa.gov>; <John.Conger@osd.mil>; "Jonathan.Levy@hq.doe.gov" <'Jonathan.Levy@hq.doe.gov'>; "Morris, Jonathan G." [Personal Privacy] "Josh Jacobs" <Joshua.Jacobs@va.gov>; <Judson.Jaffe@do.treas.gov>; "Kalil, Thomas A." [Personal Privacy] <Krysta.harden@osec.usda.gov>; <Lauren.Kidwell@hhs.gov>; "Lee, Hannah" [Personal Privacy] <MacDonald.Laura@dol.gov>; David McIntosh; <Meghan\_Conklin@ios.doi.gov>; "Moilanen, Stephen S." [Personal Privacy] <OgdenPR@state.gov>; <Andrea.Palm@hhs.gov>; <PedersonED@state.gov>; <Peter.Kovar@hud.gov>; "Richard Verma" <vermarr@state.gov>; <Roberto.Rodriguez@do.treas.gov>; <Sarah\_Bittleman@ios.doi.gov>; "Schenewerk, Caryn B." [Personal Privacy] "Seamus Ahern" <Seamus.Ahern@osd.mil>; "Stacey Rolland" <Stacey.Rolland@do.treas.gov>; <Steve\_Black@ios.doi.gov>; <Tina.May@osec.usda.gov>; <Uzzell.Megan@dol.gov>; "Zichal, Heather R." [Personal Privacy] "Watkins, Kyle D." [Personal Privacy] "Lee, Hannah" [Personal Privacy] "Agnew, David P." [Personal Privacy] "Carson, Jonathan K." [Personal Privacy] "Dillon, Patrick" [Personal Privacy] "Glunz, Christine M." [Personal Privacy] "Lee, Hannah" [Personal Privacy] "Lee, Jesse C." [Personal Privacy] "Lehrich, Matthew A." [Personal Privacy] "Levine, Jacob C." [Personal Privacy] "McGrath, Shaun L." [Personal Privacy] "Moilanen, Stephen S." [Personal Privacy] "Nelson, Gregory S." [Personal Privacy] "Russell, Anthony L." [Personal Privacy] "Salzman, Amelia S." [Personal Privacy] "Shah, Tarak N." [Personal Privacy] "Wall intern, Mary" [Personal Privacy] "Wicks, Buffy" [Personal Privacy] "Zichal, Heather R." [Personal Privacy] "Ahsha Tribble" <Ahsha.Tribble@noaa.gov>; "Andrea Mead" <Andrea.D.Mead@hud.gov>; "Brandon Hurlbut" <Brandon.hurlbut@hq.doe.gov>; <Brian\_Screnar@ios.doi.gov>; <Christine.koronides@sba.gov>; "Courtney Gregoire" <CGregoire@doc.gov>; "Emil Michael" <emil.michael@sd.mil>; "Fetter, Steven A." [Personal Privacy] <James.C.Lopez@hud.gov>; Jessica Gordon; <jim.sullivan@va.gov>;

"John Conger" <John.Conger@osd.mil>; "Jonathan Cordone" <Jonathan.Cordone@exim.gov>; "Kate Brandt" <kate.brandt@navy.mil>; <kathryn.thomson@dot.gov>; "Kenneth Lane" <Kenneth\_lane@ios.doi.gov>; "Laura MacDonald" <MacDonald.Laura@dol.gov>; "Laura Tatum" <tatum.laura@dol.gov>; "Leslie Grant" <Grant.Leslie@osec.usda.gov>; "Lindsay Daschle" <Lindsay.Daschle@osec.usda.gov>; David McIntosh; "Megan Uzzell" <Uzzell.Megan@dol.gov>; "Missy Owens" <Missy.Owens@hq.doe.gov>; <Nate.Turnbull@Dot.Gov>; "Parita Shah" <PShah@doc.gov>; "Peter Ogden" <ogdenPR@state.gov>; "Pitzer, Karrie S."

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"Rod O'Connor" <Rod.Oconnor@hq.doe.gov>; "Sandy Howard" <Sandra.Howard@hhs.gov>; <shelley.r.poticha@hud.gov>; Shira Sternberg; Stephanie Owens; "Taylor Ferrell" <taylor.ferrell@navy.mil>; "Zofia Szykowski" <Zofia.Szykowski@exim.gov>

Cc: "Belive, Lauren"

**Personal Privacy**

"Maher, Jessica A."

**Personal Privacy**

"Heimbach, James T."

**Personal Privacy**

"Greenawalt, Andrei M."

**Personal Privacy**

Subject: FW: Remarks by the President during press availability in Copenhagen - ceq in the news

**From:** "Zelman, Allison L." <[Personal Privacy]>  
**Sent:** 12/18/2009 06:31 PM EST  
**To:** "Zelman, Allison L." <[Personal Privacy]> <Robert.Letteney@dot.gov>; "Aldy, Joseph E." <[Personal Privacy]>; KevinJ Bailey; "Ben Kobren" <kobrenbm@state.gov>; "Brian Kennedy" <Kennedy.Brian@Dol.gov>; <Christine.koronides@sba.gov>; <Christopher\_Mansour@ios.doi.gov>; "Cobb Mixer" <Cobb.mixer@do.treas.gov>; "Courtney Gregoire" <CGregoire@doc.gov>; <Dan.Utech@hq.doe.gov>; <dana.gresham@dot.gov>; "Dave Turk" <TurkDM@state.gov>; <david.kim@dot.gov>; <David.Vandivier@do.treas.gov>; <Donny.R.Williams@hud.gov>; <emil.michael@sd.mil>; "Farrell, Diana" <[Personal Privacy]>; "Fisher, Alyssa D." <[Personal Privacy]>; "Givens, Shelia" <[Personal Privacy]>; Jessica Gordon; <Grant.Leslie@osec.usda.gov>; <HobgoodTD@state.gov>; "Jimenez, Luis A." <[Personal Privacy]>; <Joan.Evans@va.gov>; <john.gray@noaa.gov>; <John.Conger@osd.mil>; "Jonathan.Levy@hq.doe.gov" <'Jonathan.Levy@hq.doe.gov'>; "Morris, Jonathan G." <[Personal Privacy]>; "Josh Jacobs" <Joshua.Jacobs@va.gov>; <Judson.Jaffe@do.treas.gov>; "Kalil, Thomas A." <[Personal Privacy]>; <Krysta.harden@osec.usda.gov>; <Lauren.Kidwell@hhs.gov>; "Lee, Hannah" <[Personal Privacy]>; <MacDonald.Laura@dol.gov>; David McIntosh; <Meghan\_Conklin@ios.doi.gov>; "Moilanen, Stephen S." <[Personal Privacy]>; <OgdenPR@state.gov>; <Andrea.Palm@hhs.gov>; <PedersonED@state.gov>; <Peter.Kovar@hud.gov>; "Richard Verma" <vermarr@state.gov>; <Roberto.Rodriguez@do.treas.gov>; <Sarah\_Bittleman@ios.doi.gov>; "Schenewerk, Caryn B." <[Personal Privacy]>; "Seamus Ahern" <Seamus.Ahern@osd.mil>; "Stacey Rolland" <Stacey.Rolland@do.treas.gov>; <Steve.Black@ios.doi.gov>; <Tina.May@osec.usda.gov>; <Uzzell.Megan@dol.gov>; "Zichal, Heather R." <[Personal Privacy]>; "Watkins, Kyle D." <[Personal Privacy]>; "Lee, Hannah" <[Personal Privacy]>; "Agnew, David P." <[Personal Privacy]>; "Carson, Jonathan K." <[Personal Privacy]>; "Dillon, Patrick" <[Personal Privacy]>; "Glunz, Christine M." <[Personal Privacy]>; "Lee, Hannah" <[Personal Privacy]>; "Lee, Jesse C." <[Personal Privacy]>; "Lehrich, Matthew A." <[Personal Privacy]>; "Levine, Jacob C." <[Personal Privacy]>; "McGrath, Shaun L." <[Personal Privacy]>; "Moilanen, Stephen S." <[Personal Privacy]>; "Nelson, Gregory S." <[Personal Privacy]>; "Russell, Anthony L." <[Personal Privacy]>; "Salzman, Amelia S." <[Personal Privacy]>; "Shah, Tarak N." <[Personal Privacy]>; "Wall intern, Mary" <[Personal Privacy]>; "Wicks, Buffy" <[Personal Privacy]>; "Zichal, Heather R." <[Personal Privacy]>; "Ahsha Tribble" <Ahsha.Tribble@noaa.gov>; "Andrea Mead" <Andrea.D.Mead@hud.gov>; "Brandon Hurlbut" <Brandon.hurlbut@hq.doe.gov>; <Brian\_Scenenar@ios.doi.gov>; <Christine.koronides@sba.gov>; "Courtney Gregoire" <CGregoire@doc.gov>; "Emil Michael" <emil.michael@sd.mil>; "Fetter, Steven A." <[Personal Privacy]>; <James.C.Lopez@hud.gov>; Jessica Gordon; <jim.sullivan@va.gov>; "John Conger" <John.Conger@osd.mil>; "Jonathan Cordone" <Jonathan.Cordone@exim.gov>; "Kate Brandt" <kate.brandt@navy.mil>; <kathryn.thomson@dot.gov>; "Kenneth Lane" <Kenneth\_lane@ios.doi.gov>; "Laura MacDonald" <MacDonald.Laura@dol.gov>; "Laura Tatum" <tatum.laura@dol.gov>; "Leslie Grant" <Grant.Leslie@osec.usda.gov>; "Lindsay Daschle" <Lindsay.Daschle@osec.usda.gov>; David McIntosh; "Megan Uzzell" <Uzzell.Megan@dol.gov>; "Missy Owens" <Missy.Owens@hq.doe.gov>; <Nate.Turnbull@Dot.Gov>; "Parita Shah" <PShah@doc.gov>; "Peter Ogden" <ogdenPR@state.gov>; "Pitzer, Karrie S." <[Personal Privacy]>; "Rod O'Connor" <Rod.Oconnor@hq.doe.gov>; "Sandy Howard" <Sandra.Howard@hhs.gov>; <shelley.r.poticha@hud.gov>; Shira Sternberg; Stephanie Owens; "Taylor Ferrell" <taylor.ferrell@navy.mil>; "Zofia Sztukowski" <Zofia.Sztukowski@exim.gov>  
**Cc:** "Belive, Lauren" <[Personal Privacy]>; "Maher, Jessica A." <[Personal Privacy]>; "Heimbach, James T." <[Personal Privacy]>; "Greenawalt, Andrei M." <[Personal Privacy]>  
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**From:** CN=David McIntosh/OU=DC/O=USEPA/C=US  
**Sent:** Fri 12/18/2009 11:45:00 PM  
**Subject:** Re: Remarks by the President during press availability in Copenhagen - ceq in the news  
[mime.htm](#)

And here's the final part:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

THE CHIEF OF STAFF

Christopher Lu  
Secretary  
Cabinet Affairs  
1600 Pennsylvania Avenue  
Washington, D.C. 20006

Dear Mr. Lu:

Under the leadership of Administrator Jackson the Environmental Protection Agency (EPA or the Agency) has identified eight cross-cutting strategic priorities:

# Deliberative

# Deliberative

# Deliberative

# **Deliberative**

# Deliberative

Sincerely,

Diane E. Thompson

DRAFT



**U.S. EPA Toxics Release Inventory  
Reporting Year 2008 National Analysis**

**Summary of Key Findings**

**U.S. Environmental Protection Agency  
Office of Information Analysis and Access  
Washington, DC**

**December 2009**

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# **U.S. EPA Toxics Release Inventory Reporting Year 2008 National Analysis**

## **Summary of Key Findings**

### **I. Background Information**

#### **A. U.S. EPA TRI Program**

The United States (U.S.) Environmental Protection Agency (EPA) Toxics Release Inventory (TRI) program collects information on disposal or other releases (and other waste management activities) for over 650 chemicals from industrial sources in all 50 states and the U.S. territories. The information has been collected annually since 1988. For 2008, the latest year for which data are available, disposal or other releases of TRI chemicals totaled almost 3.9 billion pounds from almost 21,700 U.S. facilities submitting approximately 83,600 chemical forms.

The 2008 TRI data are now available online in a searchable, sortable format at [www.epa.gov/triexplorer](http://www.epa.gov/triexplorer). We invite you to visit our web site and explore the data to learn more about toxic chemical releases and waste management activities across the U.S. by state, county or even zip code – and more! Summary tables are also available in a separate document as part of this TRI 2008 National Analysis (available at [www.epa.gov/triinter/tridata/tri08/index.htm](http://www.epa.gov/triinter/tridata/tri08/index.htm)). Please read *Background on TRI Data Collection* (available at [www.epa.gov/tri/tridata/tri07/pdr/background2009.pdf](http://www.epa.gov/tri/tridata/tri07/pdr/background2009.pdf)) prior to reviewing these key findings, as that document explains the kinds of data collected under TRI and helps with data analysis and interpretation. The following information reflects the TRI data as of December 2009.

#### **B. Time Period for the TRI 2008 National Analysis**

The time period covered for this year's data release is January 1 to December 31, 2008. These 2008 data were reported to EPA by July 1, 2008. They were released to the public on a form-by-form basis in September 2009, and were released to the public in a consolidated format with summary analysis in December 2009. Data for previous years back to 1988 are also available.

#### **C. Recent Changes to Reporting Requirements**

There were two reporting change for the 2008 data. Beginning with Reporting Year 2008, facilities that file reports for the dioxin and dioxin-like compounds category may also need to file a Form R Schedule 1. The Form R Schedule 1 is a four-page form which includes chemical-specific information for each type of disposal or other release as well as the waste managed data (Form R, Sections 5, 6, and 8 (current year only)). The Form R Schedule 1 requires the reporting of the individual grams data for each member of the dioxin and dioxin-like compounds category and is submitted as an adjunct to the Form R. Facilities that have any of the information required by Form R Schedule 1 must submit a Form R Schedule 1 in addition to the Form R. Using the reported grams data, Toxic Equivalency (TEQ) total values can be calculated for each of the reported media. TEQ total values are calculated by multiplying the grams data for each reported member of the media type by its Toxic Equivalency Factor (TEF) value and then summing the results.

The second reporting change occurred when the 2009 Omnibus Appropriations Act returned TRI reporting requirements back to the rules in effect prior to December 22, 2006. The change requires that all reports on persistent, bioaccumulative, and toxic (PBT) chemicals be submitted on the Form R, the more detailed form. For all other chemicals the shorter form, Form A, may be used only if the “annual reporting amount” is 500 pounds or less and that the chemical was manufactured, processed or otherwise used in an amount not exceeding 1 million pounds during the reporting year.

In addition, beginning with the 2006 data, facilities were required to submit appropriate 2007 North American Industry Classification System (NAICS) designations for their facility rather than the 1987 Standard Industrial Classification (SIC) codes previously used (71 Federal Register 32464 June 6, 2007, see [www.epa.gov/tri/lawsandregs/naic/](http://www.epa.gov/tri/lawsandregs/naic/)). To do trends analysis, EPA has assigned NAICS codes to data for years prior to 2006. The assignments were done based on the NAICS code reported by the facility for 2006 or 2007 or, if not available, the SIC code was translated to the NAICS code, where possible.

## **II. Methodology for TRI Analysis**

EPA takes the data submitted by facilities, conducts extensive quality assurance reviews and compiles the data into two databases:

- Total Disposal or other Releases, and
- Production-Related Waste Managed

Total disposal or other releases addresses the amount of chemicals disposed of or released on-site and off-site during the year and is based on the definition of release in Section 329 of the Emergency Planning and Community Right-to-Know Act (EPCRA). “Disposal or other releases” represent a wide range of management methods, from highly controlled disposal, such as in hazardous waste landfills, to uncontrolled releases due to accidental leaks or spills. Generally, when EPA analyzes the data on total disposal or other releases, the focus is on final disposition or release of TRI chemicals. The data used in such analyses come from Sections 5 and 6 of the TRI Reporting Form R<sup>1</sup>. *Such analyses do not include amounts that are reported as transferred to other TRI facilities.* Receiving TRI facilities (i.e. facilities that report to TRI and also accept wastes from other TRI-reporting facilities) report these amounts as on-site disposal or other releases. EPA only counts the on-site disposal or other release to avoid double counting the amount disposed of or released during the year.

Production-Related Waste Managed addresses the entire amount of waste generated during normal production processes and how it was managed. The Pollution Prevention Act of 1990 (PPA) requires facilities to report information about the quantities of TRI chemicals they manage in waste, both on-and off-site, including amounts reported as recycled, burned for energy recovery, treated, as well as waste that is disposed, or otherwise released. While Total Disposal or other Releases focuses on the ultimate disposition of a chemical, Production-related Waste Managed focuses on waste management and counts a waste as many times as it is managed during the year. It does not include non-production related releases, which include releases due to natural disasters, accidentally leaks or other one-time occurrences that are not part of the routine production process. The data used in this analysis come from Section 8 of the TRI Reporting Form R. These data allow

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<sup>1</sup> TRI reporting Form R can be viewed at [www.epa.gov/tri/report/index.htm#forms](http://www.epa.gov/tri/report/index.htm#forms)

tracking of progress in reducing waste generation and movement towards preferred methods of waste management, called the waste management hierarchy.

The waste management hierarchy indicates that source reduction (i.e., preventing the creation of waste) is the preferred approach, followed by recycling. Waste that cannot be prevented or recycled can be used for energy recovery or treated. Disposal or other releases is the least preferred.

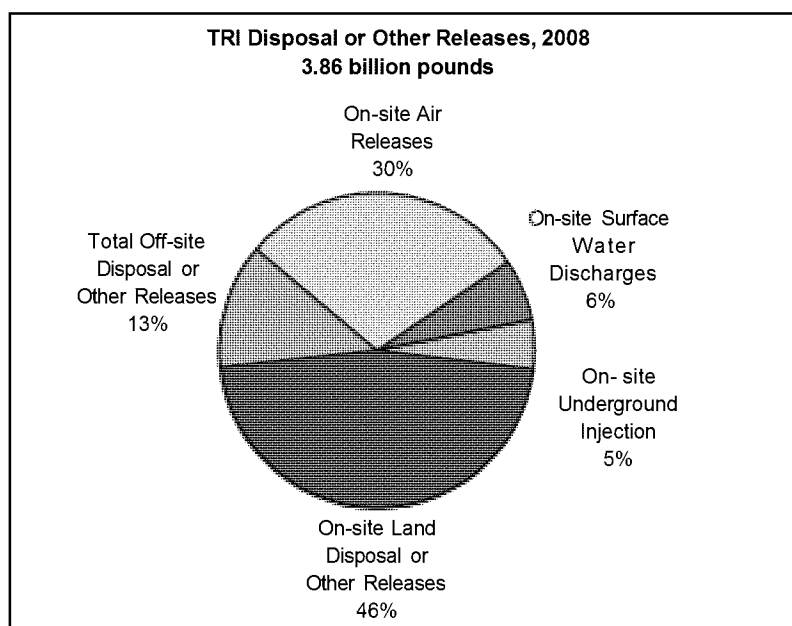
### **III. Overview of the TRI 2008 Data**

#### **A. What was reported for 2008?**

##### **1. Total Disposal or Other Releases**

Almost 3.9 billion pounds were disposed of or otherwise released in 2008 by facilities that are required to report to EPA under EPCRA Section 313. Most of the chemicals are managed on-site (Figure 1).

**Figure 1. TRI Disposal or Other Releases, 2008**



- 87% (3.37 billion pounds) was disposed of or otherwise released **on-site**, including
  - ▶ 30% (1.14 billion pounds) as air emissions
  - ▶ 6% (247 million pounds) as surface water discharges
  - ▶ 5% (187 million pounds) in on-site underground injection wells, including
    - 4% (169 million pounds) in Class I Wells and
    - 0.5% (18 million pounds) in Class II-V Wells
  - ▶ 46% (1.80 billion pounds) as land disposal or other releases, including
    - 3% (123 million pounds) in RCRA Subtitle C landfills,
    - 8% (291 million pounds) in other on-site landfills,
    - 0.1% (4.2 million pounds) in RCRA Subtitle C surface impoundments,
    - 19% (732 million pounds) in other surface impoundments, and

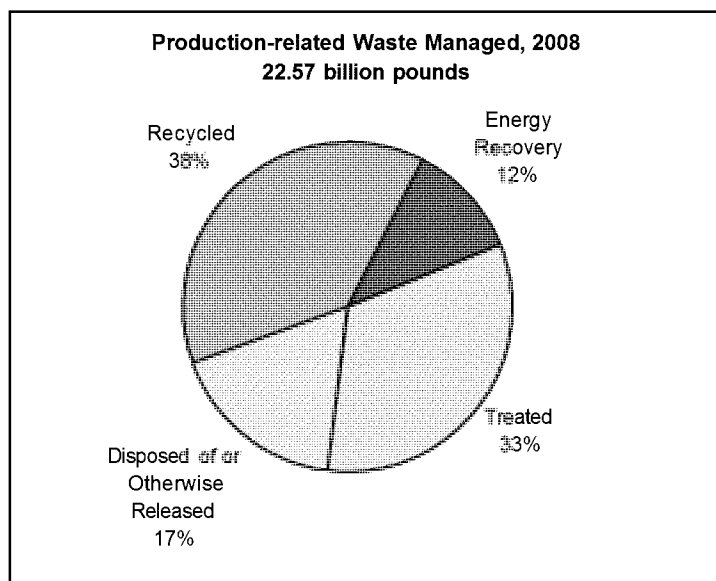
- 16% (622 million pounds) in other land disposal (such as waste piles, spills or leaks)
- 13% (489 million pounds) was sent **off-site** for disposal or other releases, including
  - ▶ 10% (383 million pounds) to land disposal or other releases, including
    - 2% (64 million pounds) to RCRA Subtitle C landfills,
    - 7% (259 million pounds) to other landfills, and
    - 1% (46 million pounds) to other land disposal (such as waste piles, spills or leaks)
  - ▶ less than 0.1% (3.6 million pounds) of metals and metal compounds for wastewater treatment, and
  - ▶ 2% (93 million pounds) of other types of transfers, including
    - 1% (47 million pounds) of metals and metal compounds sent for solidification and/or stabilization, and
    - 0.5% (20 million pounds) transferred to waste brokers for disposal.

*Over 15% of total disposal or other releases were in on-site Class I wells, RCRA Subtitle C and other landfills and almost 9% were in off-site Class I wells, RCRA Subtitle C and other landfills. These facilities may limit contamination and human exposure by using engineering controls. For example, disposal of harmful materials in Class I Underground Injection wells located in isolated formations beneath the lowermost underground source of drinking water limits potential for contamination. Similarly, disposal to landfills that are designed with liners, covers, leak detection systems, and groundwater monitoring systems also limits the potential for human exposure and contamination.*

## **2. Total Production-related Waste Managed**

Almost 22.6 billion pounds of production-related waste were managed by TRI facilities in 2008. The quantities of TRI chemicals are reported by the management method used. The waste management hierarchy establishes that once the waste is generated the preferred management methods are recycling, followed by burned for energy recovery, treatment and, as a last resort, disposal or otherwise released. (Figure 2)

**Figure 2. Production-related Waste Managed, 2008**



- 38% (8.59 billion pounds) was recycled on- and off-site.
- 12% (2.61 billion pounds) was combusted for energy recovery on- and off-site.
- 33% (7.44 billion pounds) was treated on- and off-site.
- 17% (3.94 billion pounds) was the quantity disposed of or otherwise released on- and off-site.

***Why is the quantity disposed of or otherwise released here (3.94 billion) different from total disposal or other releases above (3.86 billion)?***

*When looking at total production-related waste, the quantity disposed of or otherwise released includes all reported disposal or other releases except those due to remedial, catastrophic or one-time releases. On the other hand, total disposal or other releases, discussed above, excludes amounts that were sent to other TRI facilities and reported as disposed or otherwise released (to avoid double-counting).*

## **B. How do 2008 TRI data compare to years past?**

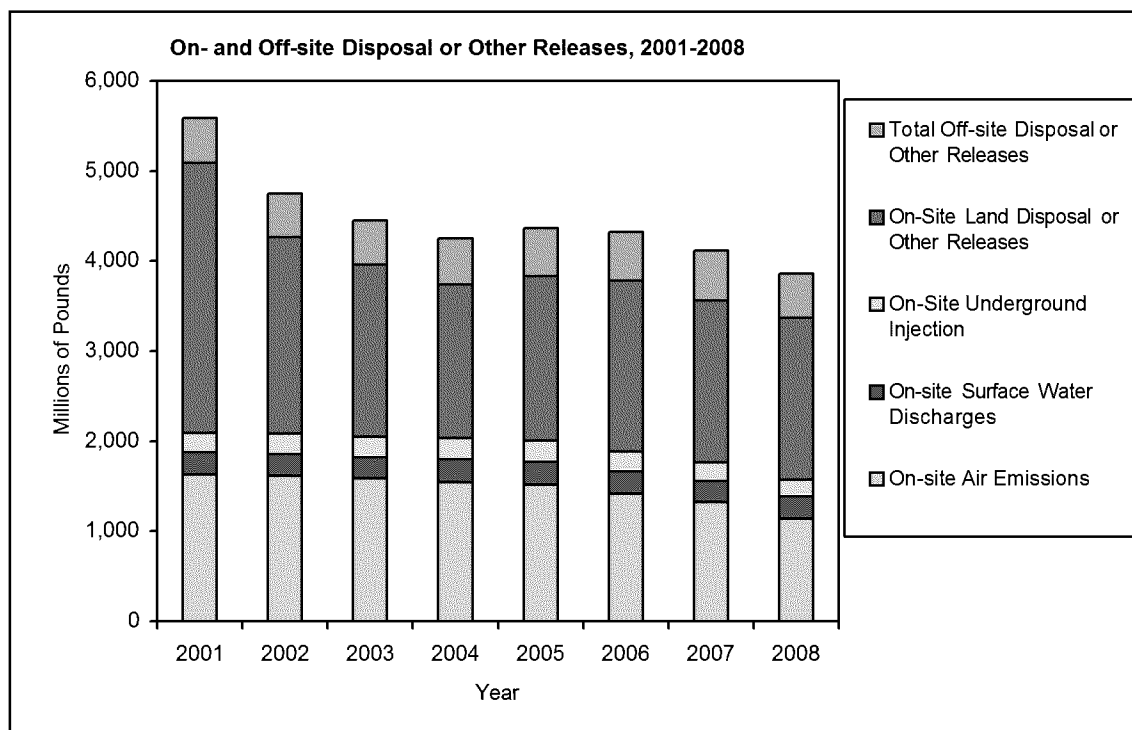
In this section, we present net changes from 2007 to 2008 and from 2001 to 2008. The base year 2001 is chosen since it was the last year that chemicals were added to the TRI list. Reporting year 1998 was the last time industry sectors were added to TRI.

### **1. Total Disposal or Other Releases**

In 2008, there was an overall **decrease** of 6% (257 million pounds) from 2007 and a **decrease** of 31% (1.73 billion pounds) from 2001 in total disposal or other releases of TRI chemicals (Figure 3).



**Figure 3. On- and Off-site Disposal or Other Releases, 2001-2008**

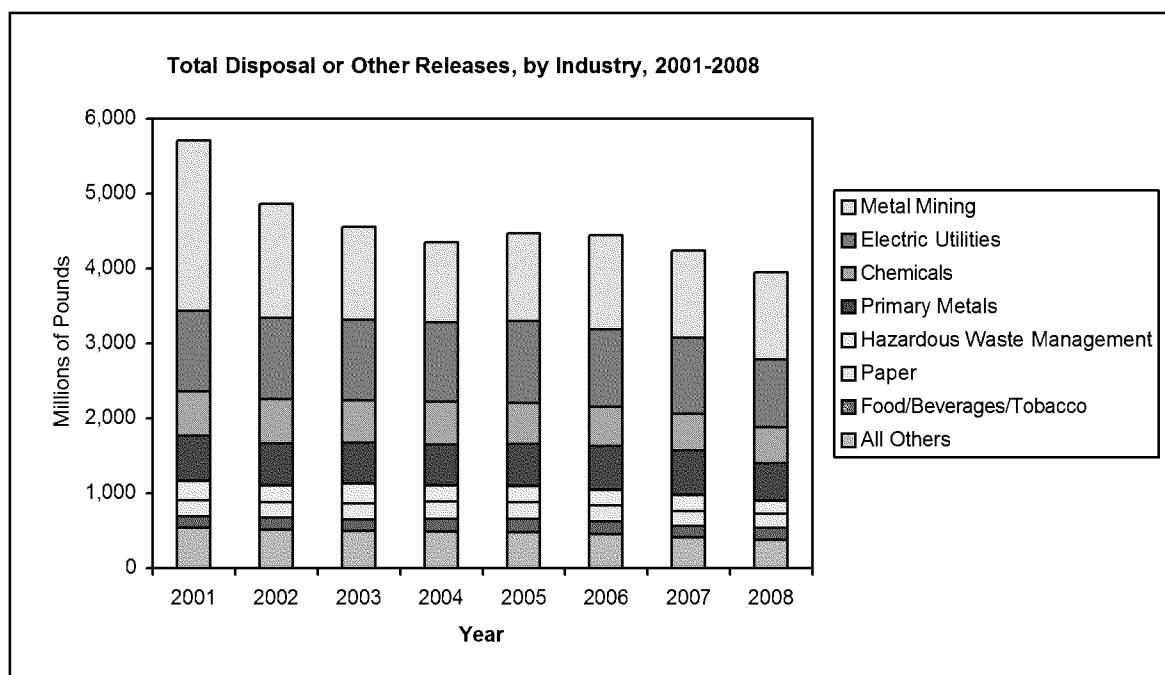


- On-site disposal or other releases
  - From 2007 to 2008, total on-site disposal or other releases **decreased** by 5% (187 million pounds).
    - Air emissions had the largest **decrease**, of 14% (179 million pounds),
    - Underground injection also **decreased**, by 9% (19 million pounds).
    - However, surface water discharges **increased** by 3% (8.1 million pounds), and
    - On-site land disposal or other releases **increased** by 0.1% (2.2 million pounds), including
      - Other land disposal (such as waste piles, spills and leaks) which **increased** by 5% (31 million pounds) and
      - On-site landfills other than RCRA Subtitle C landfills which **increased** by 9% (24 million pounds).
      - However, surface impoundments **decreased** by 4% (28 million pounds) and
      - RCRA Subtitle C landfills **decreased** by 18% (28 million pounds).
  - From 2001 to 2008, there was an overall **decrease** in on-site disposal or other releases of 34% (1.72 billion pounds), including
    - Air emissions with a **decrease** of 30% (490 million pounds),
    - On-site land disposal or other releases with a **decrease** of 40% (1.20 billion pounds) and
    - Underground injection wells with a **decrease** of 13% (29 million pounds).
    - However, surface water discharges **increased** by 1% (3.6 million pounds) from 2001 to 2008.

- Off-site disposal or other releases
  - ▶ From 2007 to 2008, off-site disposal or other releases **decreased** by 13% (70 million pounds).
    - Solidification/stabilization of metals and metal compounds **decreased** by 50% (48 million pounds) and
    - Landfills other than RCRA Subtitle C landfills **decreased** by 13% (39 million pounds).
    - However, RCRA Subtitle C landfills **increased** by 25% (13 million pounds) and
    - Other land disposal (such as waste piles, spills and leaks) **increased** by 24% (9 million pounds).
  - ▶ From 2001 to 2008, off-site disposal or other releases **decreased** by 2% (10 million pounds) including
    - Solidification/stabilization of metals and metal compounds with a **decrease** of 28% (18 million pounds) and
    - Landfills/surface impoundments with a **decrease** of 3% (11 million pounds).
    - However, other land disposal (such as waste piles, spills and leaks) **increased** by 59% (17 million pounds).

Figure 4 shows total disposal or other releases from 2001 to 2008 by industry sector.

**Figure 4. Total Disposal or Other Releases, by Industry, 2001-2008**



- The metal mining sector reported the largest total disposal or other releases in 2001 and 2008 (1.16 billion pounds in 2008). This sector had the largest **decrease** in disposal or other releases from 2001: 1.12 billion pounds (49%). However, this industry reported a decrease of less than 1% (3.0 million pounds) from 2007 to 2008.
- In 2001, metal mining represented 40% of the total. While overall there was a decrease of 31% from 2001 to 2008, the decrease without the metal mining sector was a decrease of

19%. Metal mining has large releases to other land disposal on-site. The large decrease from 2001 to 2008 seen in on-site land disposal or other releases reflects the large decrease in reporting by the metal mining sector.

- Electric utilities had the second largest total in 2001 and 2008 (910 million pounds in 2008) and the second largest **decrease**, of 161 million pounds (15%) from 2001. From 2007 to 2008, electric utilities reported a **decrease** of 10% or 106 million pounds.
- The chemical manufacturing sector reported 481 million pounds in 2008, a **decrease** of 19% (111 million pounds) from 2001 and 2% (7.7 million pounds) from 2007.
- However, among the industries with the largest total disposal or other releases, the food and beverage sector reported an **increase**, of 10% (15 million pounds) from 2001 and an **increase** of 5% (7.3 million pounds) from 2007 to 2008.

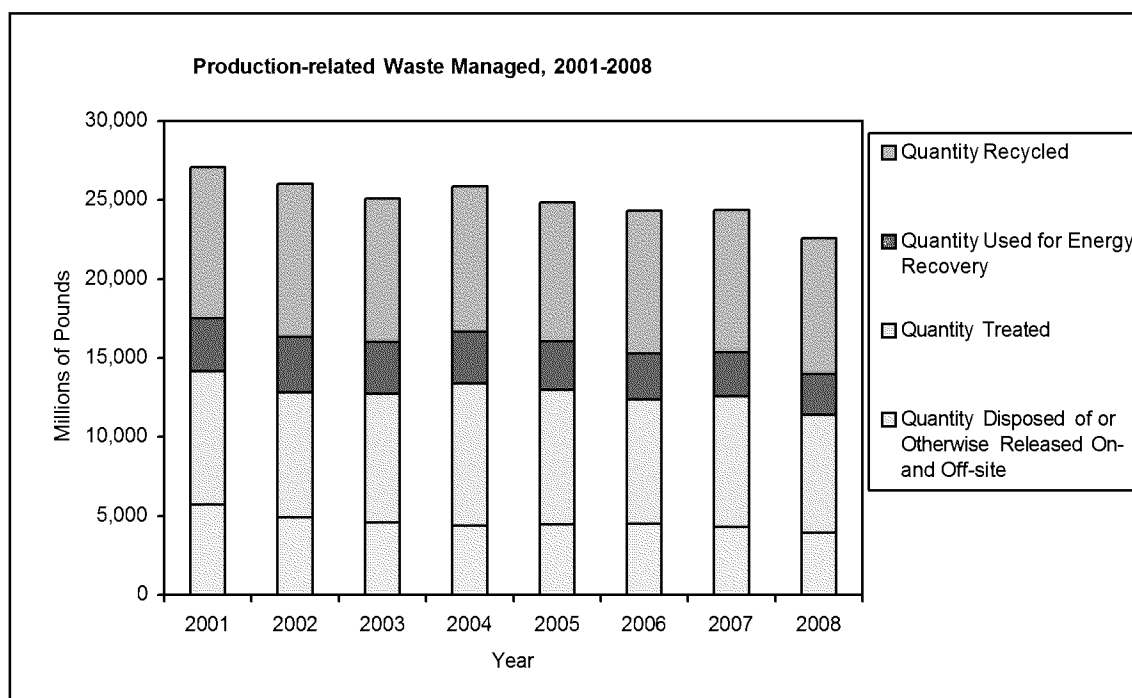
**What are some of the reasons for the overall decrease in disposal or other releases from 2001 to 2008?**

*The metal mining sector had a decrease of 49% (1.12 billion pounds) from 2001 to 2008. This sector may have been adjusting their reporting to conform to a court case, Barrick v. EPA. The decrease could also be due other factors, such as changes in composition of the ore.*

## 2. Total Production-related Waste Managed

In 2008, there was an overall **decrease** of 7% (1.80 billion pounds) from 2007 and a **decrease** of 17% (4.53 billion pounds) from 2001 in total production-related waste managed (Figure 5).

**Figure 5. Production-related Waste Managed, 2001-2008**



- From 2007 to 2008,
  - ▶ Recycling on- and off-site **decreased** by 5% (415 million pounds),
  - ▶ Energy recovery on- and off-site **decreased** by 7% (205 million pounds),
  - ▶ Treatment on- and off-site **decreased** by 10% (831 million pounds), and
  - ▶ The quantity disposed of or otherwise released **decreased** by 8% (352 million pounds).
- From 2001 to 2008, total production-related waste managed **decreased** by 17% (4.53 billion pounds) including a decrease of 31% (1.77 billion pounds) in the quantity disposed of or otherwise released.

Most industry sectors reported decreases in total production-related waste over this time period, including

- Chemical manufacturers, with the largest total production-related waste of all industry sectors in all years, decreased by 23%
- Primary metals sector, with the second largest total production-related waste in all years, decreased by 6%
- Metal mining, with the third largest in 2001 and fifth largest in 2008, decreased by 47%

However, some industry sectors showed increases in total production-related waste from 2001 to 2008, including

- Electric utilities, with the fourth largest total in 2001 and the third largest total in 2008, increased by 13%
- Petroleum refining, with the sixth largest total in both 2001 and 2008, had an increase of 7%
- Paper products sector, with the fifth largest total in 2001 and the fourth largest total in 2008, had an increase of 1%

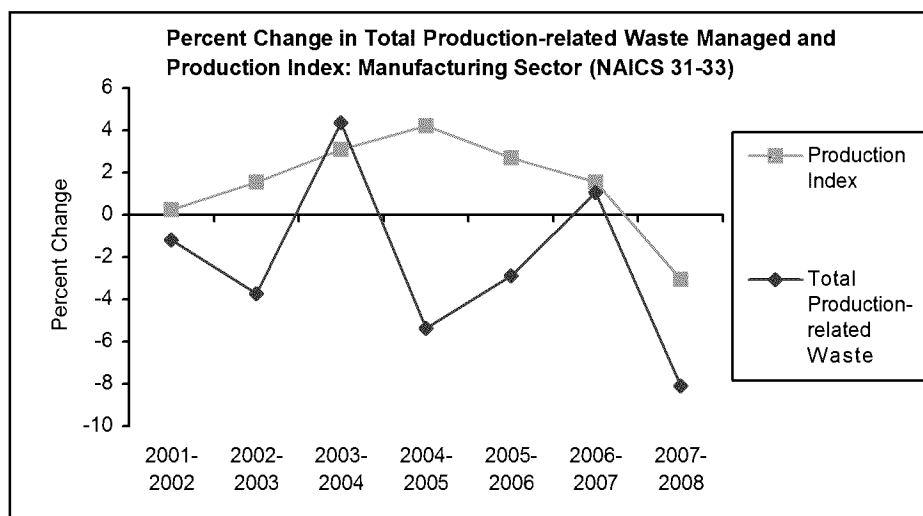
Production-related waste can increase or decrease due to various factors, such as changes in operations that alter the chemicals used, the adoption of pollution prevention or control activities, or changes in business activity. One measure of business activity is the production index, which measure how production levels change over time for a particular industry sector.<sup>2</sup>

The manufacturing sector in the US **increased** production levels each year from 2001 to 2007 by an average of about 2%. However, from 2007 to 2008 it showed a **decrease** of 3%. On the other hand, TRI manufacturing facilities (those reporting in the NAICS codes 31-33) showed an average **decrease** of 1% in total production-related waste from 2001 to 2007 and a **decrease** of 8% from 2007 to 2008. (Figure 6.)

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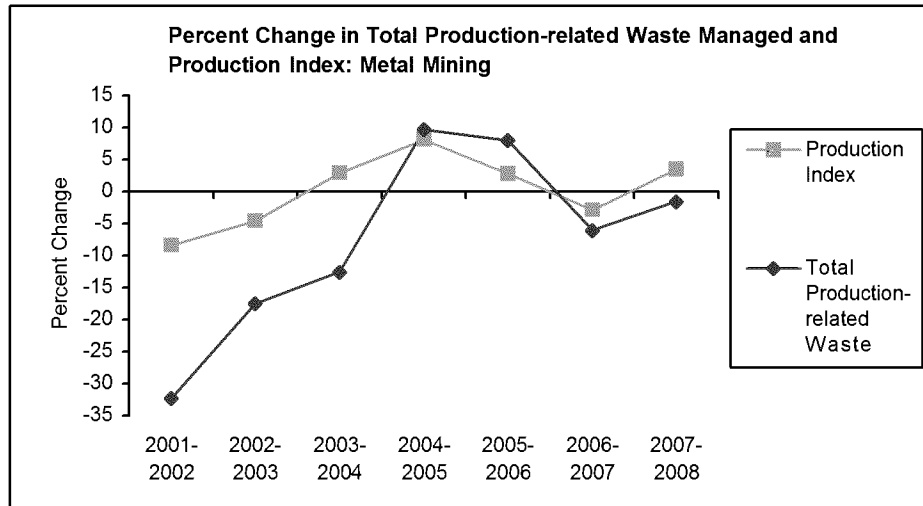
<sup>2</sup> Production index data from Federal Reserve Board, G17 Series ([www.federalreserve.gov/datadownload](http://www.federalreserve.gov/datadownload)) October 13, 2009.

**Figure 6. Percent Change in Total Production-related Waste and Production Index, 2001-2008: Manufacturing Sector**



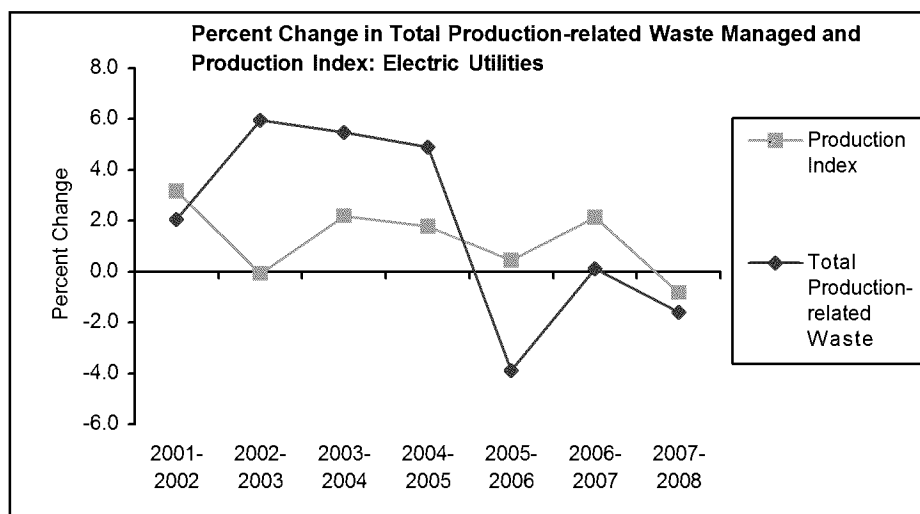
For other industry sectors, the metal mining sector had a large decrease in the years 2001-2003, when this sector may have been adjusting their reporting to conform to a court case, *Barrick v. EPA*. In recent years, the percent change in total production-related waste has been similar to the change in the production index. (Figure 7.)

**Figure 7. Percent Change in Total Production-related Waste Managed and Production Index, 2001-2008: Metal Mining**



Electric utilities had increases in total production-related waste managed on average higher than the increase in production index for this sector. However, in recent years, it has decreased production-related waste managed while production index continued to rise. From 2007 to 2008, both production-related waste and production index decreased. (Figure 8.)

**Figure 8. Percent Change in Total Production-related Waste and Production Index, 2001-2008: Electric Utilities**



#### **IV. A Closer Look at Facilities of Interest**

##### **A. Which facilities had the largest disposal or other releases in 2008?**

EPA has historically provided a list of facilities that have the largest disposal or other releases of TRI chemicals to the environment. It is important to note that these facilities do not necessarily pose the greatest potential risk to the environment. As explained in detail in the EPA report, *Factors to Consider When Using TRI Data* (available at [www.epa.gov/tri/triprogram/FactorsToConPDF.pdf](http://www.epa.gov/tri/triprogram/FactorsToConPDF.pdf)), total quantities of TRI chemicals released or otherwise disposed of is one important factor among several that determine the potential risk that may be posed.

EPA presents the “Top 50” facilities with largest disposal or other releases in charts that are available on this web site ([www.epa.gov/tri/tridata/tri08/index.htm](http://www.epa.gov/tri/tridata/tri08/index.htm)). It is important to note that there is a huge variation in the amounts of TRI chemicals released per facility. In 2008, the range of TRI disposal or other releases is from 0 to 517 million pounds. The average disposal or other releases of TRI chemicals per facility is approximately 181,905 pounds. The reason some facilities have disposal or other releases far in excess of the average are several:

- Certain industry sectors, such as mining and primary metals, and electric utilities, handle large volumes of material and, not surprisingly, the totals for TRI chemicals are also larger than average. Also, from year-to-year constituent concentrations in raw materials can change.
- Even within a given sector, certain facilities are simply larger (in terms of economic parameters such as production levels, sales, employment, etc.) and so they handle relatively large amounts of input material to produce large amounts of output material (product).
- Facilities differ in their relative efficiency in handling material, i.e., for a given unit of output, and differ in the amount of release or waste that is produced.

Facilities with the largest disposal or other releases are mining facilities. The top 5 facilities, which each had over 44 million pounds of total on and off-site disposal or other releases, are mining operations. Other facilities in the Top 50 represent a variety of industries, including primary metals facilities, electric utilities, chemical manufacturers and hazardous waste management facilities. These top facilities reported disposal-or-other-release totals ranging from 10.5 million to 34 million pounds for 2008. Note that an increase in the amount of toxic chemicals managed at hazardous waste sites can represent a generally positive environmental trend because these facilities are in the business of managing hazardous waste and do so under strict controls.

EPA also presents facility rankings taking into account the management methods used for the TRI chemicals. In addition to presenting the Top 50 facilities with largest total on- and off-site disposal or other releases, we also present the Top 50 facilities with total disposal or other releases, subtracting out the totals that are managed in Class I underground injection wells, Subtitle C landfills, and other landfills. This second group of rankings is perhaps a better, although still imperfect, indication of the amount of TRI chemicals that may be available to the environment. In this second group of rankings, a limited number of facilities that manage TRI chemicals mostly or totally in Class I wells or landfills drop down in the rankings, or drop out of the Top 50 altogether. (The top 5 mining facilities mentioned above remain the top 5 in these rankings, however.)

Finally, for similar reasons, EPA has provided two sets of rankings (top 20) of US counties with the largest releases. One set of rankings shows total disposal or other releases, and the second shows total disposal or other releases adjusted to subtract out quantities in Class I wells and landfills. As with facilities, the very top (in this case 6) counties do not change, but there is some shifting in the next 14 to reflect that some counties are home to Class I wells or landfills, and when those totals are not counted, they are no longer among the counties with the most TRI chemical releases.

Generally, national totals and trends tend to reflect reporting by facilities with the largest total disposal or other releases but may not necessarily reflect state and local totals and trends. Over the longer term, 2001-2008, total disposal or other releases decreased by 31%. However, an analysis of facilities reporting in both 2001 and 2008 found that the total disposal or other releases for the group of “smaller reporting” facilities (those reporting less than 100,000 pounds for 2001 and representing almost 89% of TRI facilities) **increased** while the total for the group of facilities reporting larger amounts **decreased**.

Just as the national totals and trends tend to reflect reporting by the metal mining facilities with large disposal or other releases, the average pounds per facility over time also reflect these facilities. While the average pounds per facility decreased by 18% from 2001 to 2008, without the metal mining facilities, the average decrease was 3%. (Table 1.) Indeed, the average pounds of total production-related waste managed for all TRI facilities decreased by 1% from 2001 to 2008. However, without the metal mining facilities, the average pounds increased by 2%.

**Table 1. Average per Facility, 2001, 2007 and 2009**

	2001	2007	2008	Change 2007-2008	Change 2001-2008
	Pounds/facility	Pounds/facility	Pounds/facility	Percent	Percent
<b>Total Disposal or Other Releases</b>					
All Industry Sectors	221,402	186,083	181,905	-2%	-18%
Without metal mining	133,622	135,564	129,017	-5%	-3%
<b>Total Production-Related Waste Managed</b>					
All Industry Sectors	1,051,554	1,070,355	1,040,543	-3%	-1%
Without metal mining	963,155	1,017,288	985,894	-3%	2%

## B. Federal Facilities

All federal facilities, whether operated by federal agencies or contractors (e.g. some military bases), that meet the chemical thresholds are required to report to EPA's TRI Program.

- For 2008, 389 federal facilities reported 101 million pounds of total on- and off-site disposal or other releases and 273 million pounds of total production-related waste managed.
- Disposal or other releases by federal facilities **increased** by 6.0 million pounds (6%) from 2007 to 2008.
- Total production-related waste managed at federal facilities **increased** by 17 million pounds (7%) from 2007 to 2008. Recycling on-site **increased** by 14 million pounds, on-site treatment **increased** by 4.0 million pounds and quantity released or otherwise disposed of **increased** by 2.7 million pounds.

### **What are some of the reasons for the increase in disposal or other releases from 2007 to 2008?**

*The Department of Defense Army facilities, which reported almost one-quarter of the total disposal or other releases from federal facilities for 2008, showed an increase of 3 million pounds (13%) from 2007 to 2008 and Department of Energy facilities showed an increase of 3 million pounds (60%). Also, one Tennessee Valley Authority facility reported almost 3 million pounds as surface water discharges due to a spill.*

## V. A Closer Look at Chemicals of Interest

### A. Persistent Bioaccumulative Toxic (PBT) Chemicals

Since 2000 TRI includes data, at reduced reporting thresholds, on PBT chemicals such as dioxins, mercury, and polychlorinated biphenyls (PCBs). TRI includes data for lead and lead compounds at reduced thresholds since 2001.

### **Why is there particular concern for PBT chemicals?**

*PBT chemicals are of particular concern not only because they are toxic, but also because they remain in the environment for long periods of time and are not readily destroyed (they persist) and build up or accumulate in body tissues (they bioaccumulate).*

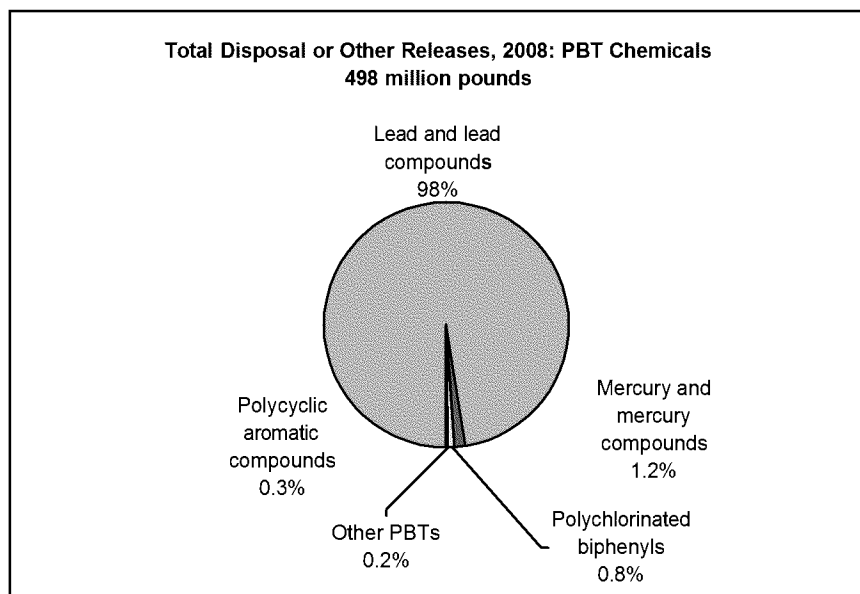


## 1. What was reported for 2008?

### a) Total Disposal or Other Releases

In 2008, 498 million pounds of PBT chemicals were disposed of or otherwise released. Almost 98% (486 million pounds) of that amount was lead and lead compounds (Figure 9).

**Figure 9. Total Disposal or Other Releases, 2008: PBT Chemicals**

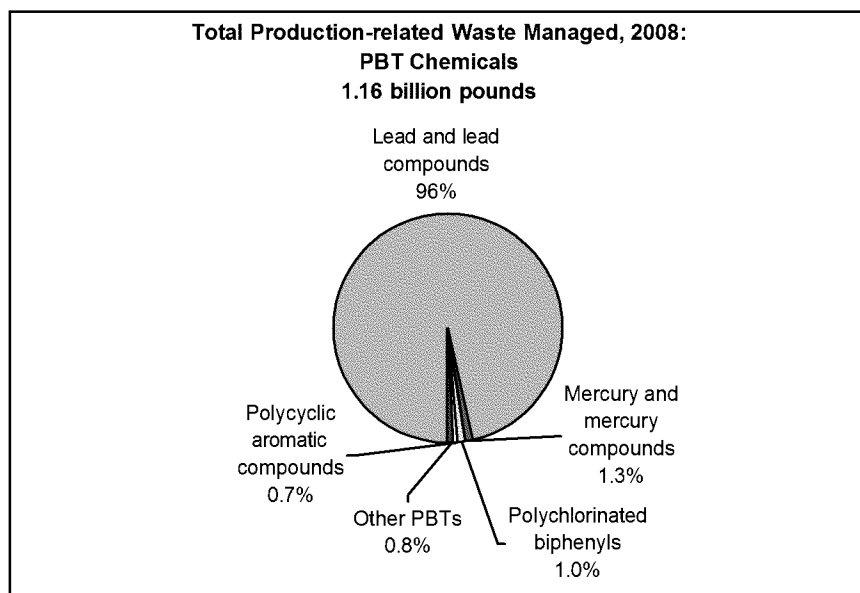


- Disposal or other releases of other PBT chemicals in 2008 included:
  - ▶ 6.2 million pounds of mercury and mercury compounds,
  - ▶ 4.1 million pounds of polychlorinated biphenyls (PCBs), and
  - ▶ 1.3 million pounds of polycyclic aromatic compounds (PACs).
- 33,702 **grams** (approximately 74 pounds) of total disposal or other releases of PBT chemicals in 2008 were accounted for by dioxin and dioxin-like compounds.

### b) Total Production-related Waste Managed

Over 1.16 billion pounds of production-related waste of PBT chemicals was managed in 2008. Lead and lead compounds accounted for over 96% (1.12 billion pounds) of that amount (Figure 10).

**Figure 10. Total Production-related Waste Managed, 2008: PBT Chemicals**



## **2. How do 2008 PBT data compare to years past?**

### **a) Total Disposal or Other Releases**

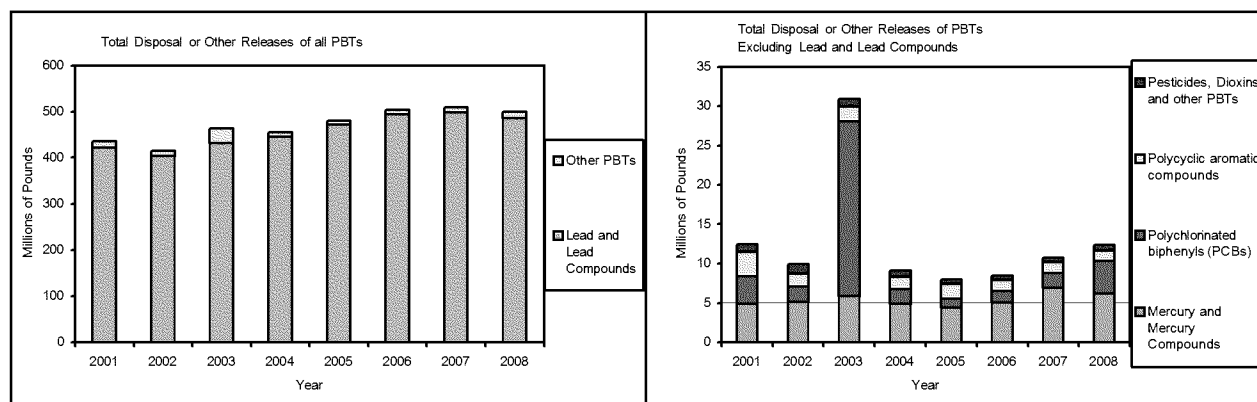
Total disposal or other releases of persistent bioaccumulative and toxic (PBT) chemicals **decreased** by 10 million pounds or 2% from 2007 to 2008.

- Lead and lead compounds **decreased** by 12 million pounds (2%),
- Mercury and mercury compounds **decreased** by almost 766,000 pounds (11%),
- Polycyclic aromatic compounds **decreased** by over 94,000 pounds (7%), and
- Dioxin and dioxin-like compounds **decreased** by 111,058 grams (about 245 pounds) (77%).
- However, polychlorinated biphenyls (PCBs) **increased** by 2.3 million pounds (over 120%).

From 2001 to 2008, total disposal or other releases of PBT chemicals **increased** by 64 million pounds or 15% (Figure 11).

- Lead and lead compounds **increased** by 64 million pounds (15%),
- Mercury and mercury compounds **increased** by 1.4 million pounds (28%), and
- Polychlorinated biphenyls (PCBs) **increased** by over 555,000 pounds (16%).
- However, polycyclic aromatic compounds **decreased** by 1.7 million pounds (57%), and
- Dioxin and dioxin-like compounds **decreased** by 121,672 grams (about 268 pounds) (78%).

**Figure 11. Total Disposal or Other Releases, by Chemical, 2001-2008: PBT Chemicals**



### b) Total Production-related Waste Managed

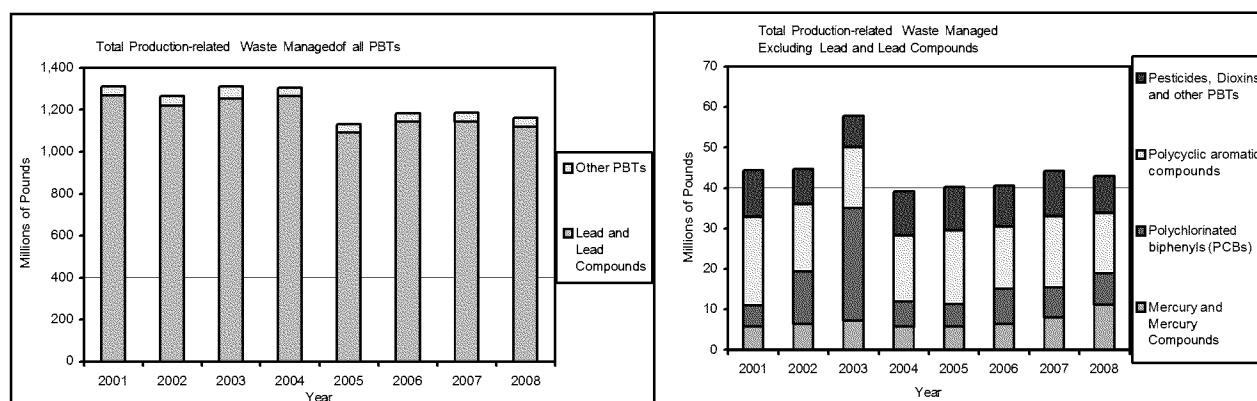
Total production-related waste managed of PBT chemicals **decreased** by 24 million pounds or 2% from 2007 to 2008.

- Lead and lead compounds **decreased** by 22 million pounds (2%),
- Polycyclic aromatic compounds **decreased** by 2.9 million pounds (16%),
- Dioxin and dioxin-like compounds **decreased** by 282,769 grams (about 624 pounds) (45%).
- However, mercury and mercury compounds **increased** by 3.2 million pounds (40%), and
- Polychlorinated biphenyls (PCBs) **increased** by almost 400,000 million pounds (5%).

From 2001 to 2008, total production-related waste managed of PBT chemicals **decreased** by 149 million pounds or 11% (Figure 12).

- Lead and lead compounds **decreased** by 148 million pounds (12%),
- Polycyclic aromatic compounds **decreased** by 7.3 million pounds (33%), and
- Dioxin and dioxin-like compounds **decreased** by 119,648 grams (about 264 pounds) (26%).
- However, mercury and mercury compounds **increased** by 5.4 million pounds (94%), and
- Polychlorinated biphenyls (PCBs) **increased** by 2.6 million pounds (50%).

**Figure 12. Total Production-related Waste Managed, by Chemical, 2001-2008: PBT Chemicals**



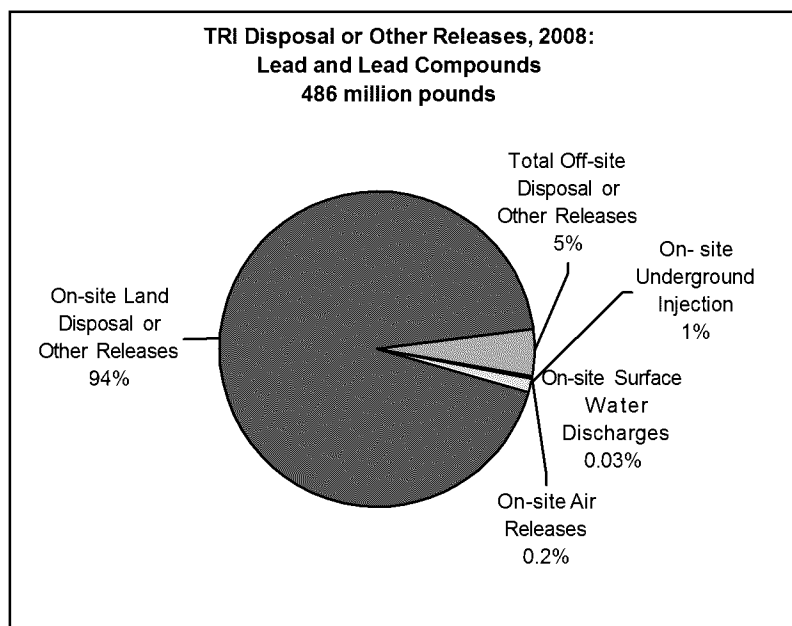
### 3. Lead and Lead Compounds

The reporting threshold for lead (except for lead contained in steel, brass or bronze alloys) and lead compounds was lowered to 100 pounds beginning with 2001.

#### a) What was reported for 2008?

**Total disposal or other releases** of lead and lead compounds was 486 million pounds for 2008 (Figure 13).

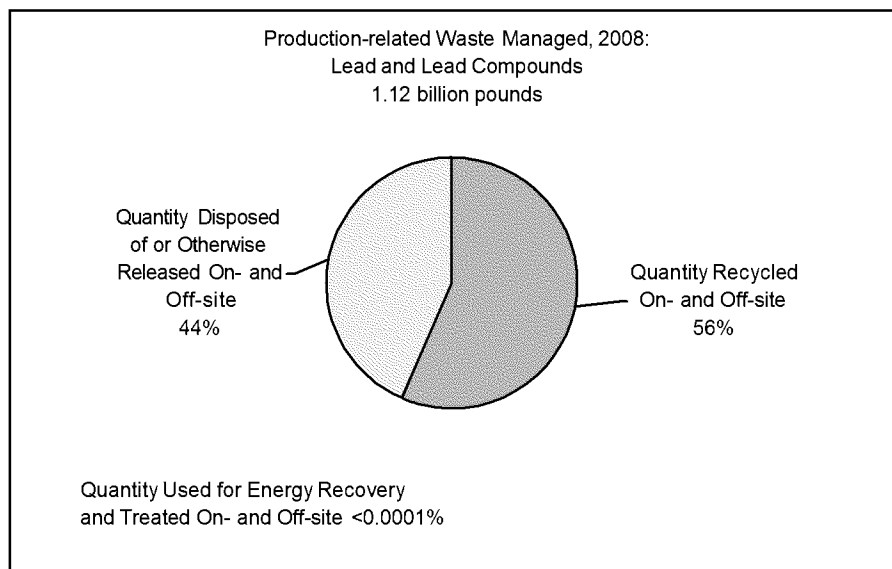
**Figure 13. Disposal or Other Releases, 2008: Lead and Lead Compounds**



- 95% (463 million pounds) was disposed of or otherwise released **on-site**, including:
  - ▶ 94% (455 million pounds) of land disposal or other releases, including
    - 60% (293 million pounds) of land disposal other than landfills and surface impoundments (such as waste piles, spills or leaks) and
    - 28% (134 million pounds) to surface impoundments, other than RCRA Subtitle C surface impoundments;
  - ▶ 1% (6.4 million pounds) in underground injection wells, mainly in Class II-V wells, and
  - ▶ 0.2% (1.1 million pounds) of air emissions.
- 5% (23 million pounds) were **off-site** disposal or other releases, including
  - ▶ 2% (12 million pounds) to landfills other than RCRA Subtitle C landfills,
  - ▶ 1% (3.2 million pounds) to RCRA Subtitle C landfills, and
  - ▶ 1% (5.0 million pounds) of metals sent to solidification/stabilization.

**Total production-related waste managed** of lead and lead compounds was 1.12 billion pounds for 2008 (Figure 14).

**Figure 14. Production-related Waste Managed, 2008: Lead and Lead Compounds**



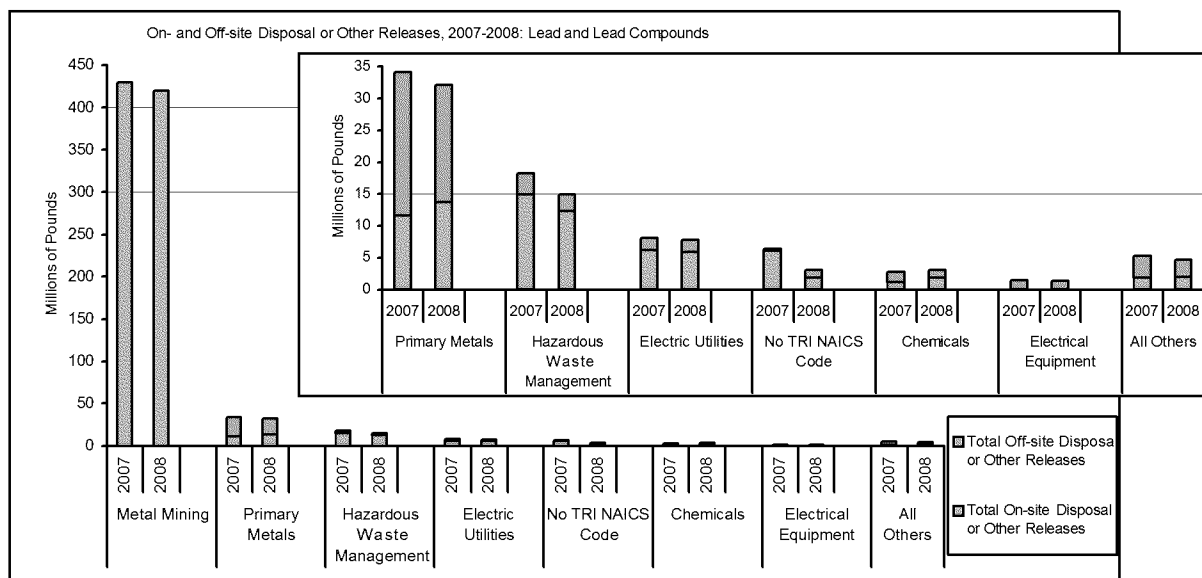
- 56% (632 million pounds) was recycled on- and off-site, including
  - ▶ 29% (324 million pounds) recycled on-site and
  - ▶ 28% (308 million pounds) recycled off-site.
- 44% (488 million pounds) was disposed of or otherwise released.

**b) How do lead and lead compounds data compare to years past?**

From 2007 to 2008, **total disposal or other releases** for lead and lead compounds **decreased** by 12 million pounds (2%). (Figure 15.)

- The metal mining sector accounted for 86% (420 million pounds) of the total disposal or other releases in 2008. The mining sector had a **decrease** of 2% (9.6 million pounds) from 2007 to 2008.
- Without the metal mining sector, total on- and off-site disposal or other releases of lead and lead compounds **decreased** by 3% (2.3 million pounds) from 2007 to 2008, including.
  - ▶ **Decrease** of 18% (3.3 million pounds) from hazardous waste management facilities and
  - ▶ **Decrease** of 3% (over 239,000 pounds) from electric utilities.
  - ▶ However, facilities not reporting a TRI NAICS code (includes federal facilities) had an **increase** of 12% (over 763,000 pounds) and
  - ▶ The chemical manufacturing sector had an **increase** of 33% (almost 722,000 pounds).

**Figure 15. Disposal or Other Releases, by Industry, 2007-2008: Lead and Lead Compounds**



From 2007 to 2008, **on-site** disposal or other releases of lead and lead compounds **decreased** by 9.1 million pounds (2%).

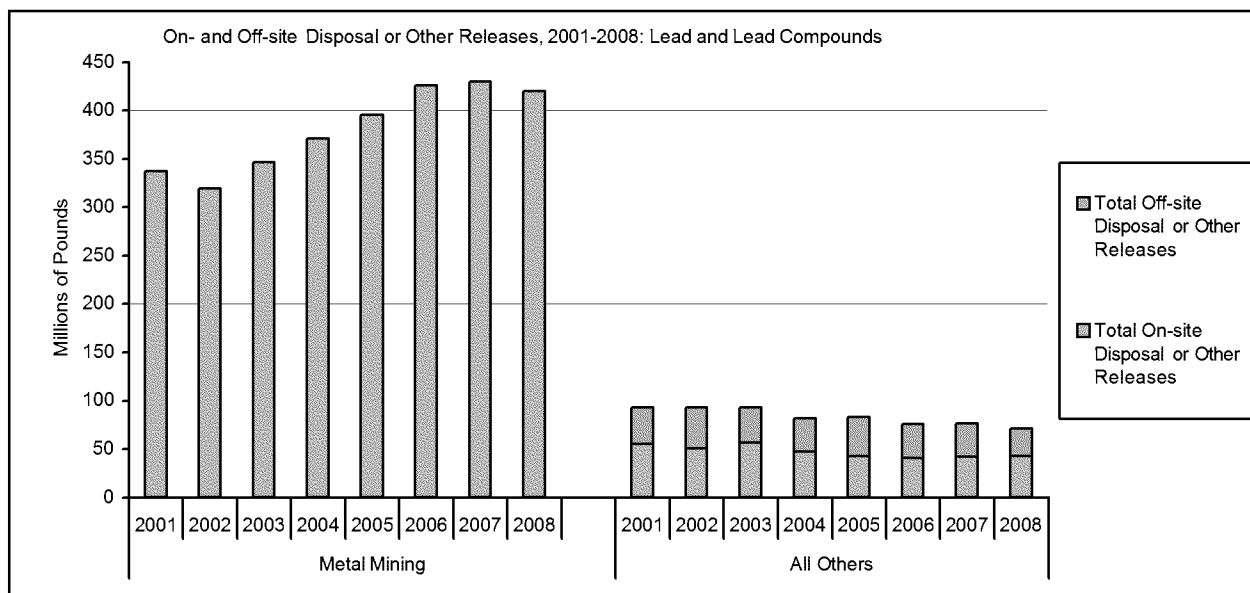
- On-site land disposal or other releases **decreased** by 8.1 million pounds (2%)
- Underground injection **decreased** by 1.1 million pounds (15%)
- However, air emissions **increased** by over 77,800 pounds (8%)
  - ▶ which included an **increase** of over 250,000 pounds reported by federal facilities
- Surface water discharges also **increased**, by almost 64,600 pounds (65%).

From 2007 to 2008, **off-site** disposal or other releases of lead and lead compounds **decreased** by 2.8 million pounds (11%).

From 2001 to 2008, **total disposal or other releases** of lead and lead compounds **increased** by 64 million pounds or 15% (Figure 16).

- The metal mining sector had an **increase** of 83 million pounds (25%) from 2001 to 2008.
- Without the metal mining sector, total disposal or other releases of lead and lead compounds **decreased** by 18 million pounds (22%) from 2001 to 2008.
- Other sectors reported **decreases** from 2001 to 2008, including:
  - ▶ Primary metals facilities, with a **decrease** of 8.0 million pounds (22%),
  - ▶ Hazardous waste management facilities, with a **decrease** of 9.7 million pounds (40%), and
  - ▶ Electric utilities, with a **decrease** of 1.5 million pounds (16%).

**Figure 16. Disposal or Other Releases, 2001-2008: Lead and Lead Compounds**



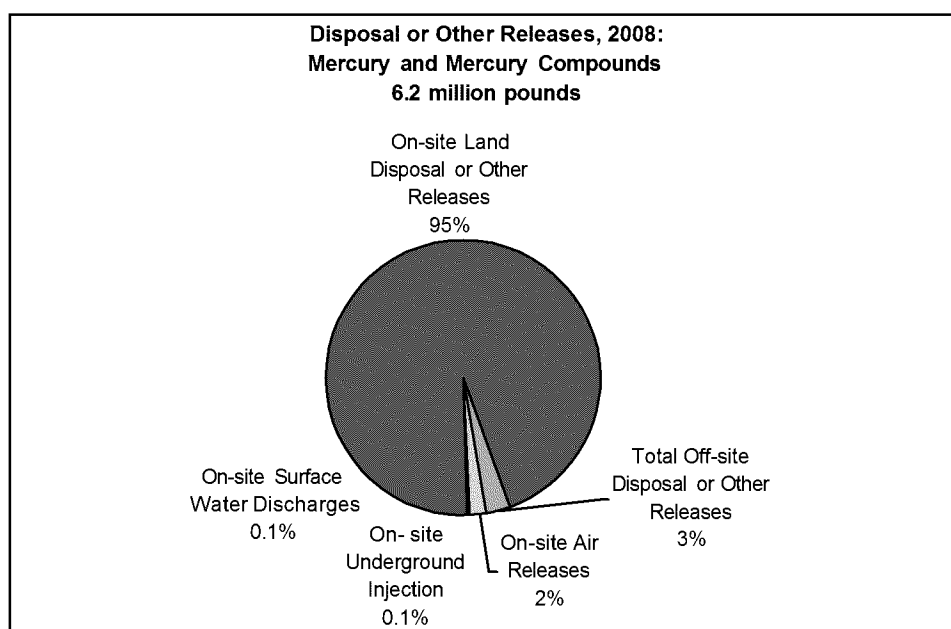
#### 4. Mercury And Mercury Compounds

The reporting threshold for mercury and mercury compounds was lowered to 10 pounds beginning with reporting year 2000.

##### a) What was reported for 2008?

**Total disposal or other releases** of mercury and mercury compounds was 6.2 million pounds in 2008 (Figure 17).

**Figure 17. Disposal or Other Releases, 2008: Mercury and Mercury Compounds**

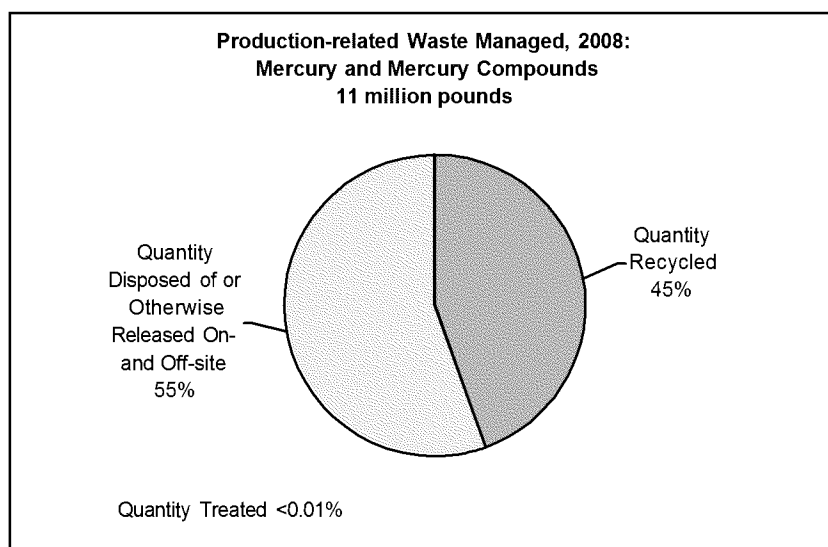


- 97% (6.0 million pounds) was **on-site** disposal or other releases, including
  - ▶ 95% (5.9 million pounds) of land disposal or other releases, including
    - 79% (4.9 million pounds) of land disposal other than landfills and surface impoundments (such as waste piles, spills or leaks)
  - ▶ 2% (almost 124,500 pounds) of air emissions
  - ▶ 0.1% (over 5,600 pounds) of underground injection
  - ▶ 0.1% (3,100 pounds) of surface water discharges
- 3% (over 169,000 pounds) was **off-site** disposal or other releases.
- The metal mining industry reported the largest disposal or other releases of mercury and mercury compounds (89% or 5.5 million pounds) in 2008.
  - ▶ Three metal mining facilities accounted for 79% (4.3 million pounds) of the total on- and off-site disposal or other releases of mercury and mercury compounds for 2008.
  - ▶ These facilities reported disposal or other releases mainly to on-site land disposal other than landfills (such as waste piles).
- Hazardous waste/solvent recovery facilities reported the second largest disposal or other releases of mercury and mercury compounds and over 99% (333,792 pounds) of all on-site RCRA Subtitle C landfills.
- Electric utilities, with the third largest total disposal or other releases of mercury and mercury compounds, reported the largest air emissions of any industry sector, with 72% (89,444 pounds) of all air emissions of mercury and mercury compounds.

**Total production-related waste managed** of mercury and mercury compounds was 11 million pounds in 2008 (Figure 18).

- 55% (6.2 million pounds) was disposed of or otherwise released.
- 45% (5.0 million pounds) was recycled, mainly on-site.

**Figure 18. Production-related Waste Managed, 2008: Mercury and Mercury Compounds**

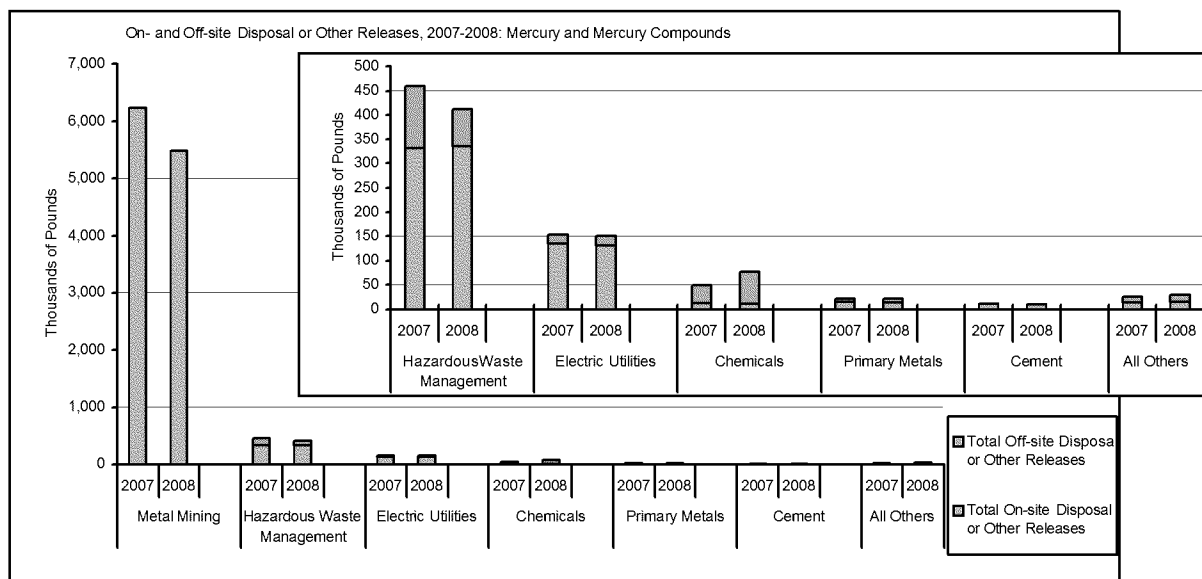




**b) How do mercury and mercury compounds data compare to years past?**

**From 2007 to 2008, total disposal or other releases for mercury and mercury compounds decreased by 11% (over 765,500 pounds) (Figure 19).**

**Figure 19. Disposal or Other Releases, by Industry, 2007-2008: Mercury and Mercury Compounds**



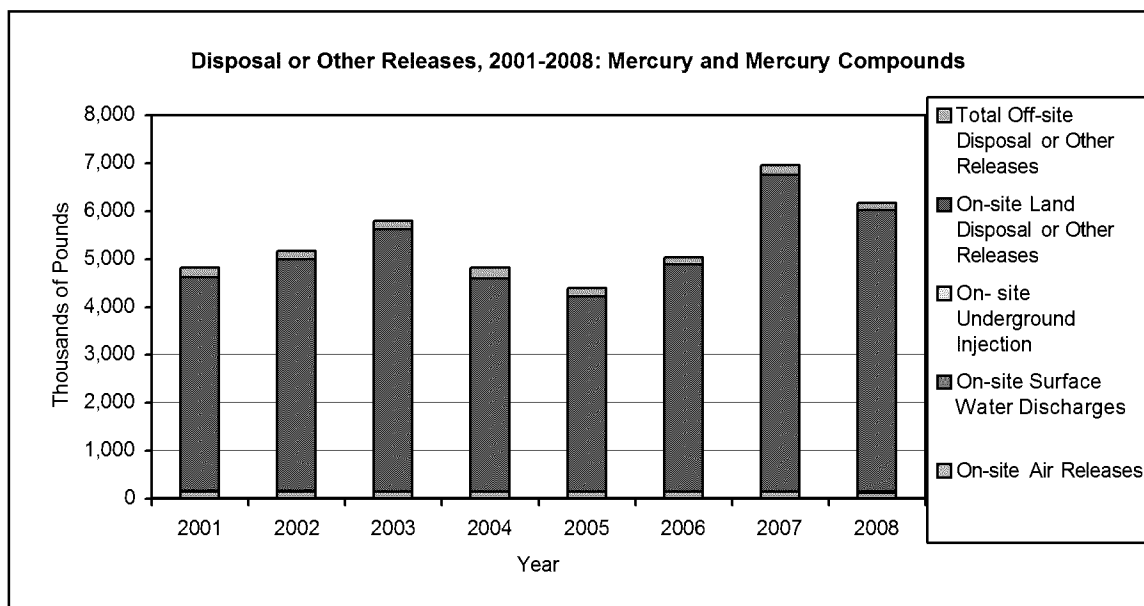
- Total on- and off-site disposal for the metal mining sector **decreased** 12% (over 742,600 pounds) and for hazardous waste/solvent recovery facilities **decreased** by 10% (over 46,400 pounds).
- Total on-site disposal or other releases **decreased** by 11% (over 746,200 pounds), including
  - ▶ A **decrease** of over 737,100 pounds (55%) in surface impoundments.
  - ▶ On-site air emissions **decreased** by 6,362 pounds (5%).
  - ▶ However, on-site surface water discharges **increased** by 839 pounds (37%).
- Total off-site disposal or other releases **decreased** by 10% (over 19,300 pounds).
  - ▶ Including a **decrease** of almost 58,000 pounds (50%) in RCRA Subtitle C landfills.
  - ▶ However, solidification/stabilization **increased** by over 19,900 pounds (57%) and
  - ▶ Transfers to waste brokers for disposal **increased** by over 10,500 pounds (369%).

**Air emissions of mercury and mercury compounds.**

*Electric utilities reported 72% of all air emissions of mercury and mercury compounds in 2008. Air emissions from electric utilities decreased by 4,412 pounds from 93,885 pounds in 2007 to 89,444 pounds in 2008.*

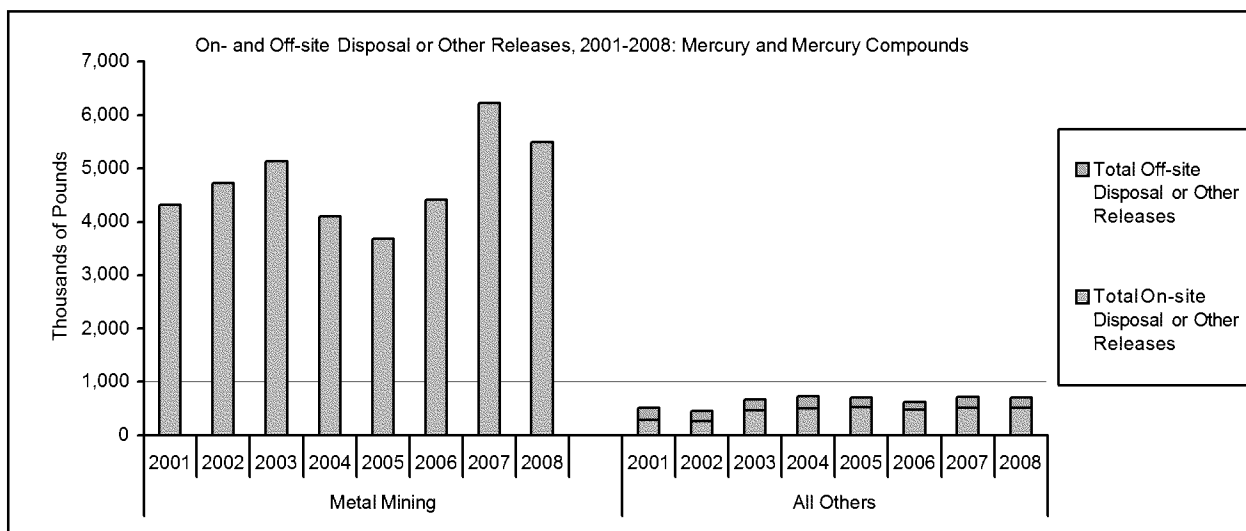
From 2001 to 2008, disposal or other releases for mercury and mercury compounds **increased** by 28% (1.4 million pounds). (Figure 20.)

**Figure 20. Disposal or Other Releases, 2001-2008: Mercury and Mercury Compounds**



- Total on-site disposal or other releases **increased** by 30% (1.4 million pounds)
- Total off-site disposal or other releases **decreased** by 22% (over 47,500 pounds)
- On-site air emissions of mercury and mercury compounds **decreased** by 19% (over 28,400 pounds) from 2001 to 2008.
- Total disposal or other releases by metal mining facilities **increased** by 27% (1.2 million pounds) (Figure 21).
  - ▶ Two metal mining facilities reported a combined **increase** of 1.4 million pounds from 2001 to 2008.

**Figure 21. Disposal or Other Releases, 2001-2008: Mercury and Mercury Compounds**



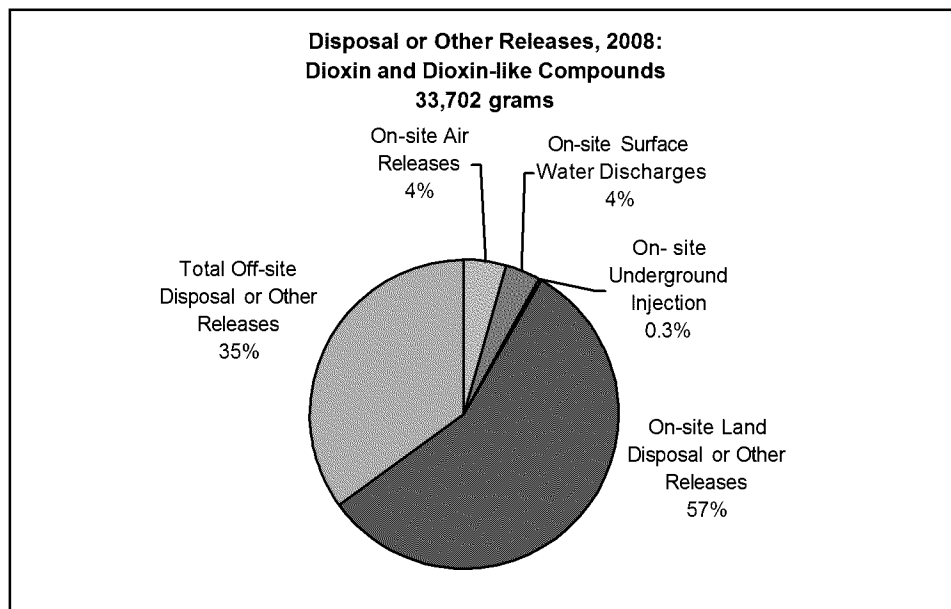
## 5. *Dioxin and Dioxin-Like Compounds*

Dioxin and dioxin-like compounds were added to the TRI list for 2000 at a reporting threshold of 0.1 grams.

### a) What was reported for 2008?

**Total disposal or other releases** for dioxin and dioxin-like compounds was 33,702 grams (approximately 74 pounds) in 2008 (Figure 22).

**Figure 22. Disposal or Other Releases, 2008: Dioxin and Dioxin-like Compounds**

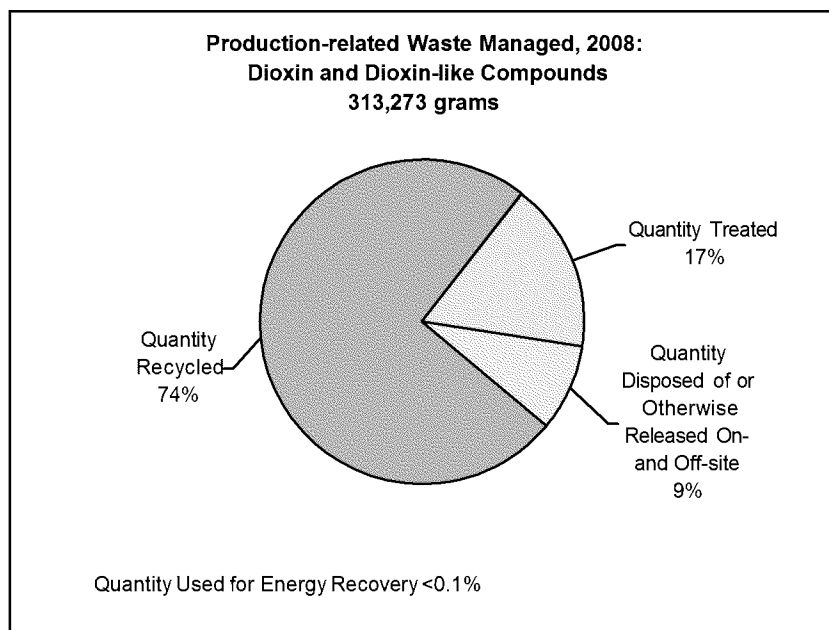


- 65% (21,948 grams or 48 pounds) were **on-site** disposal or other releases, including:
  - ▶ 57% (19,159 grams or 42 pounds) of land disposal or other releases, including
    - 23% (7,693 grams or 17 pounds) in RCRA Subtitle C landfills
    - 19% (6,320 grams or 14 pounds) in other on-site landfills, and
    - 15% (5,082 grams or 11 pounds) in surface impoundments other than RCRA Subtitle C surface impoundments;
  - ▶ 4% (1,487 grams or 3.3 pounds) of air emissions; and
  - ▶ 4% (1,215 grams or 2.7 pounds) of surface water discharges.
- 35% (11,754 grams or 26 pounds) were **off-site** disposal or other releases, including
  - ▶ 18% (6,092 grams or 13 pounds) in off-site RCRA Subtitle C landfills and
  - ▶ 16% (5,412 grams or 12 pounds) in other off-site landfills.

**Total production-related waste managed** contained 313,273 grams of dioxin and dioxin-like compounds in 2008 (Figure 23).

- 74% (233,015 grams) was in waste recycled, mainly on-site,
- 55% (27,100 grams) was in waste disposed of or otherwise released, and
- 17% (52,608 grams) was in waste treated on- and off-site.

**Figure 23. Production-related Waste Managed, 2008: Dioxin and Dioxin-like Compounds**



**b) How do dioxin and dioxin-like compounds data compare to years past?**

**From 2007 to 2008**, total disposal or other releases of dioxin and dioxin-like compounds **decreased** by 111,058 grams or 245 pounds (77%).

**What are some of the reasons for the decrease in total disposal or other releases of dioxin and dioxin-like compounds from 2007 to 2008?**

*Three chemical manufacturers reported a total decrease of 112,267 grams from 2007 to 2008 in disposal on- and off-site in landfills other than RCRA Subtitle C landfills.*

- On-site disposal or other releases **decreased** by 62% (35,227 grams or 78 pounds), including a decrease of 37,561 grams reported by one chemical manufacturer.
  - ▶ On-site air emissions **decreased** by 4% (58 grams or 0.1 pounds) from 2007 to 2008.

**Air emissions of dioxin and dioxin-like compounds.**

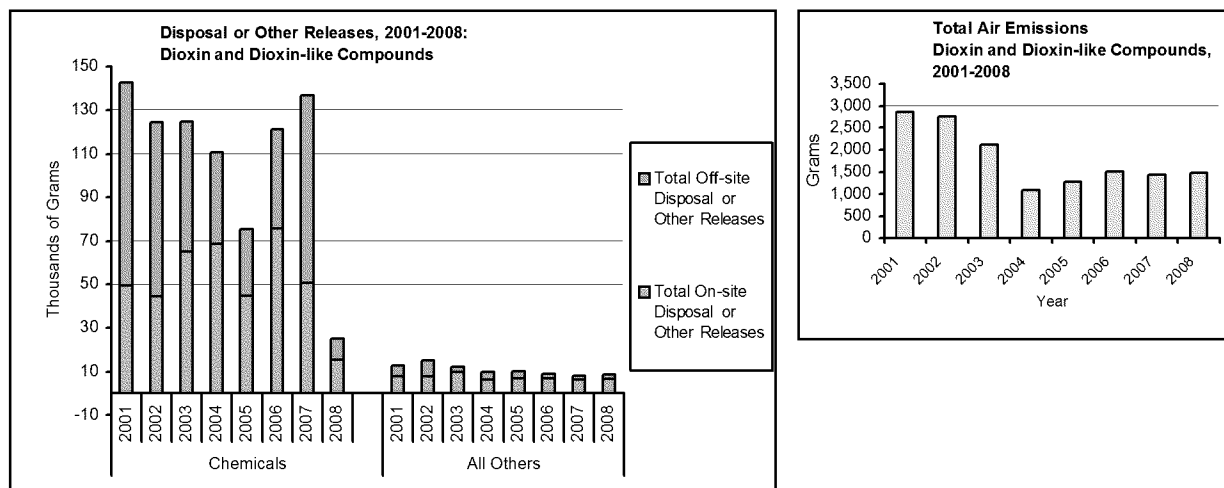
*Electric utilities reported 42% of all air releases of dioxins in 2008 and had an overall decrease of 92 grams (13%) from 2007. However, the primary metals sector increased air releases by 117 grams (36%) from 2007 to 2008 and accounted for 29% of air releases of dioxins in 2008.*

- Off-site disposal or other releases **decreased** by 87% (75,831 grams or 167 pounds), including decreases totaling 74,706 grams by two chemical manufacturers in off-site landfills other than RCRA Subtitle C landfills.

**From 2001 to 2008**, total disposal or other releases of dioxin and dioxin-like compounds **decreased** by 78% (121,667 grams or 268 pounds) (Figure 24).

- On-site air emissions **decreased** by 48% (1,375 grams or 3.0 pounds) from 2001 to 2008.

**Figure 24. Total Disposal or Other Releases and Air Releases, 2001-2008: Dioxin and Dioxin-like Compounds**



### c) Dioxin TEQs

Starting with the 2008 reporting year, in addition to reporting the total gram quantity for the category, facilities with the data must also report grams data for each of the 17 members of the category for each media/type of transfer are reported. Prior to 2008, the total amount of the category members plus a distribution, which represented either the distribution of the total quantity of dioxins released to all media from the facility or the facility's one best media-specific distribution, was reported.

The reporting threshold is 0.1 grams per year, based on the total grams of the category members. This threshold applies to each of the amounts manufactured, processed or otherwise used. "Manufacturing" includes coincidental manufacture as a byproduct or impurity. "Processing or otherwise used" applies to dioxin and dioxin-like compounds that are present as contaminants in a chemical or that are created during the manufacture of that chemical.

Dioxins and dioxin-like compounds are formed during incomplete combustion, and air releases are the major type of release. Human exposure occurs largely through food. The chemicals become incorporated into food when airborne dioxin and dioxin-like compounds fall onto plants that are eaten by animals or when waterborne dioxin and dioxin-like compounds contaminate fish and aquatic animals.

Each member of the dioxin category has a different toxicity, with 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) generally being considered the most toxic. Some members of the dioxin category are considered carcinogens and are suspected neurotoxicants, developmental toxicants, and

endocrine disruptors. Dioxins and dioxin-like compounds are considered to be persistent, bioaccumulative and toxic chemicals.

With the new reporting, such differing toxicities can be taken into account. Toxic Equivalency Factors (TEFs) are developed based on toxicity data. The World Health Organization (WHO) has a process based on scientific consensus to develop TEFs for mammals, birds and fish. It re-evaluates them approximately every five years. The WHO TEFs for 2005 (the latest evaluation) for the 17 dioxin and dioxin-like compounds are shown in the Table 2. The amount in grams of each chemical is multiplied by its TEF and then summed for a total (as grams-TEQ). This is done for each type of release and transfer.

**Table 2. Dioxin and Dioxin-like Compounds and their Toxic Equivalency Factors**

CAS Number	Chemical	TEF
01746-01-6	2,3,7,8-Tetrachlorodibenzo- p-dioxin	1
40321-76-4	1,2,3,7,8-Pentachlorodibenzo- p-dioxin	1
39227-28-6	1,2,3,4,7,8-Hexachlorodibenzo- p-dioxin	0.1
57653-85-7	1,2,3,6,7,8-Hexachlorodibenzo- p-dioxin	0.1
19408-74-3	1,2,3,7,8,9-Hexachlorodibenzo- p-dioxin	0.1
35822-46-9	1,2,3,4,6,7,8-Heptachlorodibenzo- p-dioxin	0.01
03268-87-9	1,2,3,4,6,7,8,9-Octachlorodibenzo- p-dioxin	0.0003
51207-31-9	2,3,7,8-Tetrachlorodibenzofuran	0.1
57117-41-6	1,2,3,7,8-Pentachlorodibenzofuran	0.03
57117-31-4	2,3,4,7,8-Pentachlorodibenzofuran	0.3
70648-26-9	1,2,3,4,7,8-Hexachlorodibenzofuran	0.1
57117-44-9	1,2,3,6,7,8-Hexachlorodibenzofuran	0.1
72918-21-9	1,2,3,7,8,9-Hexachlorodibenzofuran	0.1
60851-34-5	2,3,4,6,7,8-Hexachlorodibenzofuran	0.1
67562-39-4	1,2,3,4,6,7,8-Heptachlorodibenzofuran	0.01
55673-89-7	1,2,3,4,7,8,9-Heptachlorodibenzofuran	0.01
39001-02-0	1,2,3,4,6,7,8,9-Octachlorodibenzofuran	0.0003

Source: Martin Van den Berg, et. al. 2006. The 2005 World Health Organization Reevaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-Like Compounds. *Toxicological Sciences* 93(2), 223–24 available at [toxsci.oxfordjournals.org/cgi/reprint/93/2/223?ikey=piogXG6dhrnD&keytype=ref](http://toxsci.oxfordjournals.org/cgi/reprint/93/2/223?ikey=piogXG6dhrnD&keytype=ref)

There were 1,144 forms for dioxin and dioxin-like compounds submitted for 2008 of which 1,121 forms (98%) had non-zero total disposal or other releases. About 81% (927 forms) of the facilities reporting on dioxin and dioxin-like compounds reported grams data for each of the 17 individual members of the category for each media of release/transfer. Among the sectors with the largest total disposal or other releases, the percent of facilities reporting individual member grams data included:

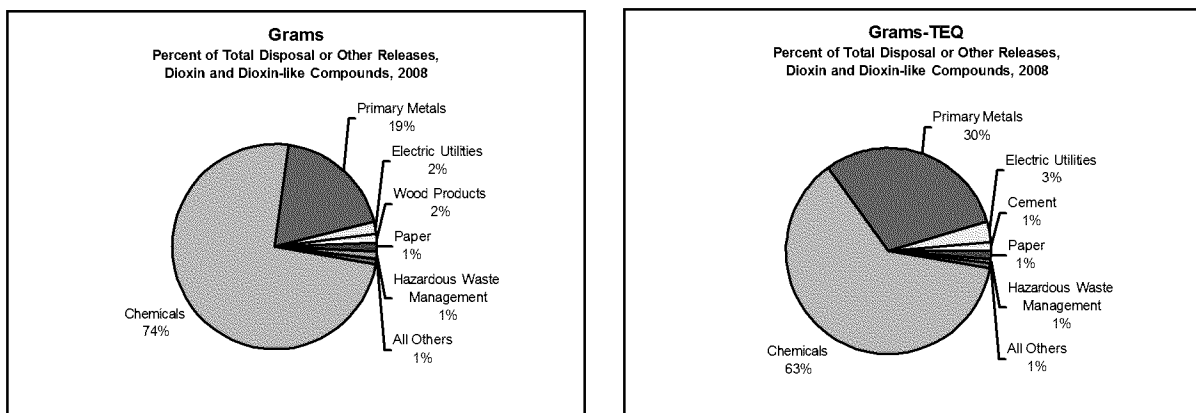
- 95% of paper facilities
- 85% of electric utilities and of cement manufacturers
- 81% of wood products manufacturers
- 80% of chemical manufacturers
- 72% of primary metals facilities
- 66% of petroleum refining and products, and
- 62% of hazardous waste management facilities.

Of the dioxin forms with individual member grams data, three industry sectors have accounted for over 95% of both total grams and total grams-TEQ:

- chemical manufacturers,
- primary metals facilities and
- electric utilities.

When toxicity equivalent factors (TEFs) are applied, these three sectors had the same ranking for total disposal or other releases in grams-TEQ as they did for total grams. (Figure 25.)

**Figure 25. Total Disposal or Other Releases of Dioxin and Dioxin-like Compounds, by Industry, 2008: Grams and Grams-TEQ**



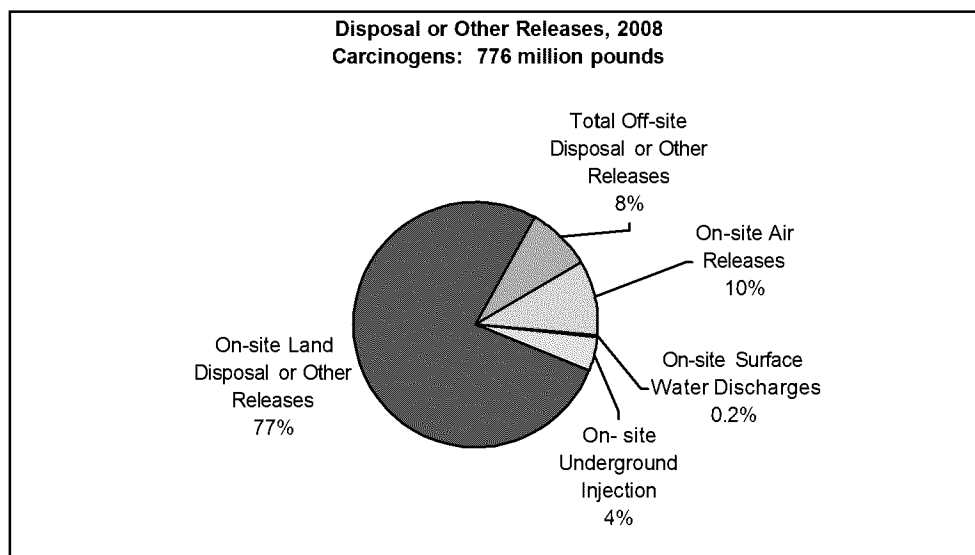
## B. Carcinogens

EPA has separated carcinogens for additional analysis in 2008. For this analysis, EPA included all TRI chemicals that appear as known or suspected carcinogens in one of three sources: National Toxicology Program (NTP), International Agency for Research on Cancer (IARC) and/or 29 CFR 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Hazardous Safety and Health Administration (OSHA). There were 179 on the TRI list for 2008; 35 of the 179 carcinogens were not reported for 2008.

### 1. What was reported for 2008?

**Total disposal or other releases** of carcinogens reported was 776 million pounds in 2008 (Figure 26).

**Figure 26. Disposal or Other Releases, 2008: Carcinogens**



- 92% (711 million pounds) were disposed of or otherwise released **on-site**, including
  - ▶ 77% (598 million pounds) in land disposal or other releases, including
    - 39% (306 million pounds) in land disposal other than landfills and surface impoundments (such as waste piles, spills or leaks)
    - 28% (217 million pounds) in on-site surface impoundments other than RCRA Subtitle C surface impoundments
  - ▶ 10% (76 million pounds) in on-site air emissions.
- 8% (66 million pounds) were disposed of or otherwise released **off-site**.
  - ▶ 4% (34 million pounds) in landfills other than RCRA Subtitle C landfills and
  - ▶ 1% (8.3 million pounds) was sent off-site for solidification/stabilization of metals and metal compounds.

**The carcinogens with the largest total disposed or other releases** in 2008, included

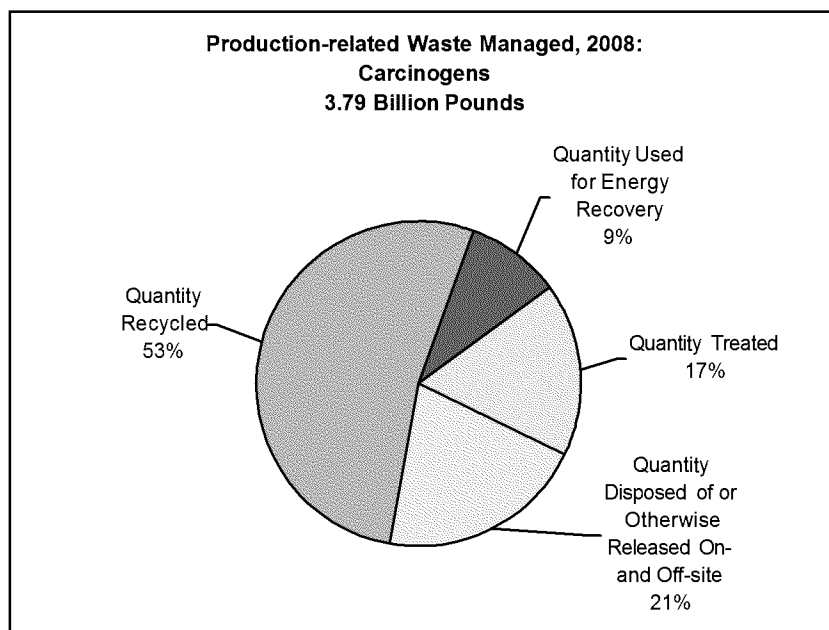
- Lead and lead compounds with 63% (486 million pounds) of total disposal or other releases
- Arsenic and arsenic compounds with 10% (74 million pounds)
- Other disposal or other releases of carcinogens in 2008 included:
  - ▶ 46 million pounds of chromium compounds and
  - ▶ 33 million pounds of styrene (with 30 million pounds of that as air releases).

**Total production-related waste managed** of carcinogens was 3.79 billion pounds in 2008 (Figure 27).

- 53% (2.00 billion pounds) was recycled on- and off-site,
- 21% (782 million pounds) was disposed of or otherwise released on- and off-site,
- 17% (654 million pounds) treated on- and off-site, and
- 9% (354 million pounds) was used for energy recovery on- and off-site.



**Figure 27. Production-related Waste Managed, 2008: Carcinogens**

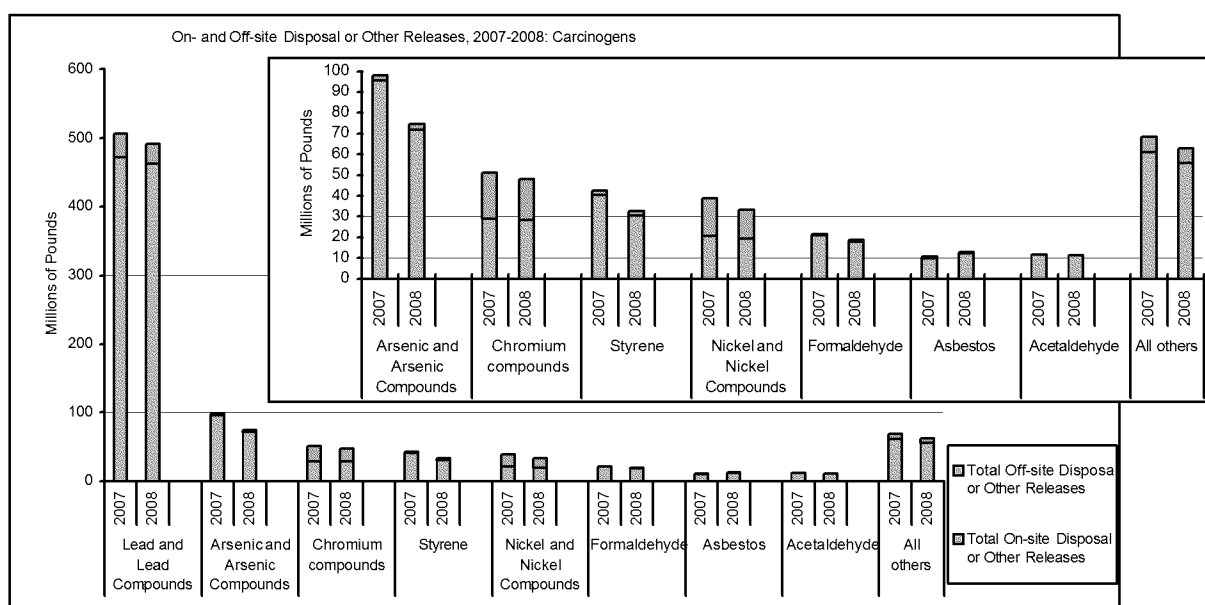


## 2. How do the carcinogen data compare to years past?

**From 2007 to 2008, total disposal or other releases of carcinogens decreased by 60 million pounds or 7% (Figure 28). Air releases decreased by 16 million pounds or 18%.**

- Lead and lead compounds **decreased** by 12 million pounds (2%), but had an **increase** in air releases of 77,844 pounds (8%),
- Arsenic and arsenic compounds **decreased** by 24 million pounds (24%),
- Chromium compounds **decreased** by 3.1 million pounds (6%),
- Styrene air releases **decreased** by 9.6 million pounds (24%), and
- Formaldehyde air releases **decreased** by 1.9 million pounds (22%).

**Figure 28. Total Disposal or Other Releases, by Chemical, 2007-2008: Carcinogens**



**From 2001 to 2008**, total disposal or other releases of carcinogens **decreased** by 33% (388 million pounds), including a **decrease** of 44% (59 million pounds) in air releases.

### C. TRI Chemical Hazard

In an attempt to look at chemical hazards, EPA has used the Risk Screening Environmental Indicators (RSEI) “toxicity-weighted-pounds” methodology to conduct additional analysis.<sup>3</sup> The idea is to provide additional insights that go beyond simple pounds analysis and reflect some basic measure of chemical toxicity. This analysis does not address fate and transport of chemicals or specific containment methods, populations, non-TRI chemical burdens or other factors that would be addressed in in-depth risk assessments.

The RSEI toxicity weighting method uses a proportional system of numeric weights that reflect the relative toxicities of chemicals. RSEI toxicity weights use calculated human health values from various EPA toxicity data sources that generally are considered protective of human health. RSEI toxicity weights are available for both cancer and non-cancer health effects.

#### **Methodology Used:**

*Toxicity Weighted Pounds is total air releases times inhalation toxicity weight plus surface water discharges times oral toxicity weight plus maximum of inhalation/oral times all other disposal or other releases.*

*There are separate weights for cancer effects and for non-cancer health effects. A particular chemical may have both types and, in that case, is included in each analysis.*

For this analysis, EPA included all TRI chemicals that have RSEI hazard weights and addresses total disposal or other releases to all media. Two analyses are done, one using the cancer toxicity weights and one using the non-cancer toxicity weights. If a TRI chemical has both, then the chemical is included in each analysis. The analysis does not address dioxin and some other chemicals where relative toxicity weightings are not available.

#### **Major Caveats to RSEI Toxicity Weights Analysis:**

- *Approach does not address containment (such as landfill liners, etc.) or fate and transport of chemicals*
- *Does not address dioxin or certain other chemicals*
- *Must consider unique caveats for 23 chemicals, including chromium (e.g., only hexavalent fraction of chromium used).*
- *Assigned toxicity weights include uncertainty factors depending on the amount and quality of data that is available for a particular chemical (i.e., toxicity weights may be high due to lack of information on a chemical as well as due to proven high toxicity).*
- *Toxicity weighted pounds depends on relative assignment of hazard and can only be used for comparison purposes from year to year and chemical to chemical. Toxicity weighted pounds should not be viewed as any kind of a single stand-alone measure.*

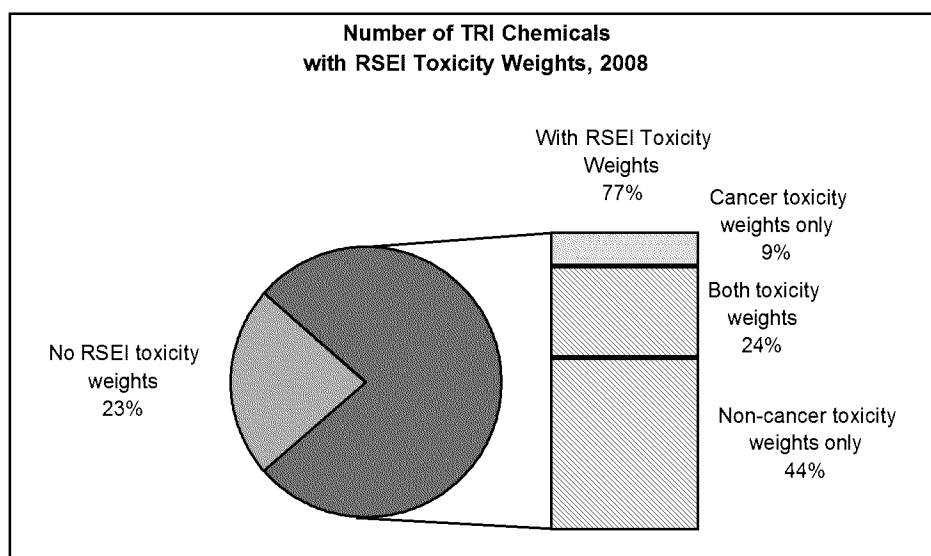
<sup>3</sup> For additional information on RSEI, please see [www.epa.gov/oppt/rsei/](http://www.epa.gov/oppt/rsei/)

## 1. RSEI Toxicity Weighting for TRI Chemicals

For 2008, 493 TRI chemicals were reported on by TRI facilities.

- 33% of the chemicals have RSEI cancer toxicity weights
- 68% of the chemicals have RSEI non-cancer toxicity weights
- 24% of the chemicals have both cancer and non-cancer RSEI toxicity weights.
- 23% of the chemicals reported on for 2008 do not have RSEI toxicity weights, including known or suspected carcinogens such as dioxins, creosote and polychlorinated alkanes. (Figure 29.)

**Figure 29. Number of TRI Chemicals with RSEI Toxicity Weights, 2008**



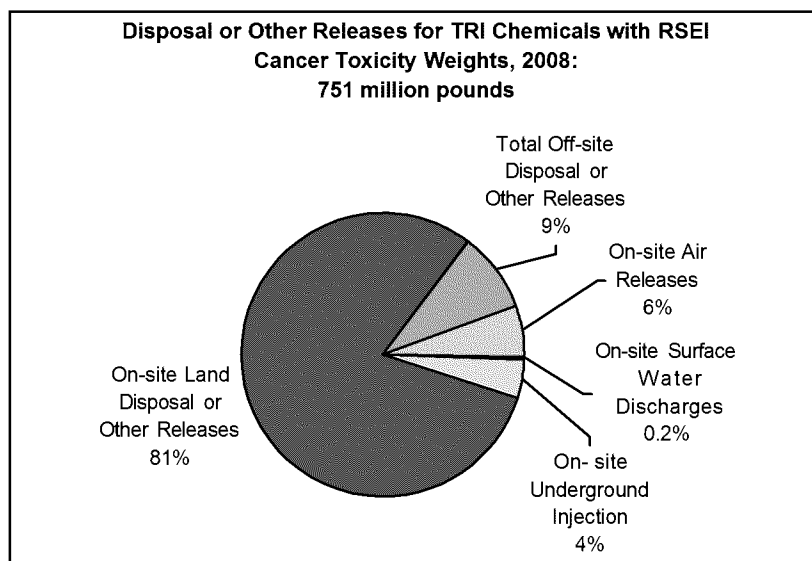
## 2. RSEI Cancer Toxicity Weighting

### a) What are the results for 2008?

Total disposal or other releases for the 162 TRI chemicals reported on for 2008 with RSEI toxicity weights for cancer effects was 751 million pounds. (Figure 30.)

- 81% was on-site land disposal or other releases, including
  - ▶ 41% in other land disposal (such as waste piles, spills or leaks) and
  - ▶ 29% in non-RCRA Subtitle C surface impoundments
- 9% was sent off-site primarily to land disposal or other releases, including
  - ▶ 5% to non-RCRA Subtitle C landfills and
  - ▶ 2% to RCRA Subtitle C landfills
- 6% was on-site air releases

**Figure 30. Disposal or Other Releases for TRI Chemicals with RSEI Cancer Toxicity Weights, 2008**



When RSEI toxicity weights for cancer effects are applied for 2008, two chemicals accounted for 91% of the total toxicity weighted pounds.

- Asbestos accounted for 78% of total disposal or other releases weighted by RSEI toxicity values for cancer effects
  - ▶ Asbestos has a high value due to an assigned toxicity weighting of 1,000,000, the largest of all TRI chemicals with RSEI toxicity weights for cancer effects.
  - ▶ In 2008, most asbestos was landfilled, with 71% going to on-site RCRA Subtitle C landfills, 24% to other on-site landfills and 5% to off-site non-RCRA Subtitle C landfills.
- Arsenic and its compounds accounted for 14% of total disposal or other releases weighted by RSEI toxicity values for cancer effects.
  - ▶ Arsenic and its compounds has a relatively high toxicity weight (31,000 inhalation toxicity weight) but also had large amounts reported, ranking thirteenth for total disposal or other releases (not weighted), among TRI chemicals with RSEI toxicity weights.
  - ▶ In 2008, disposal or other releases consisted of 81% in on-site non-RCRA Subtitle C surface impoundments and 8% in on-site other land disposal (such as waste piles, leaks and spills).

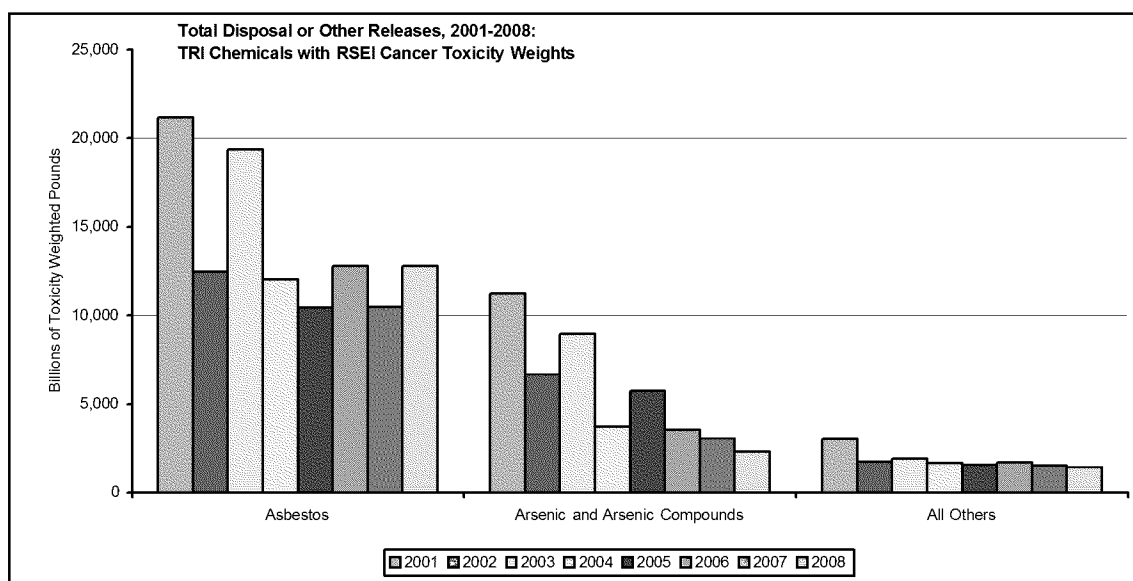
**b) What were the changes in toxicity weighted pounds from 2007 to 2008 and from 2001 to 2008?**

Comparing the nationally aggregated total toxicity weighted pounds of disposal or other releases using the RSEI cancer toxicity weights to years past shows that (Figure 31):

- For 2007 to 2008, there was an **increase** of 10% using RSEI cancer toxicity weighted pounds, for TRI chemicals with RSEI cancer toxicity weights.
  - ▶ The increase is largely due to the 21% **increase** in total disposal or other releases of **asbestos**. The hazardous waste management facilities report more than 90% of total disposal or other releases of asbestos and reported an increase of 34% from 2007 to 2008, mainly in on-site RCRA Subtitle C landfills.

- ▶ The change in pounds for the same group of TRI chemicals (those with RSEI cancer toxicity weights) was a **decrease** of 6%.
- For 2001 to 2008, there was a **decrease** of 53% using RSEI cancer toxicity weighted pounds, for TRI chemicals with RSEI cancer toxicity weights.
  - ▶ The change in pounds for the same group of TRI chemicals (those with RSEI cancer toxicity weights) was a **decrease** of 33%.
  - ▶ As with the large decrease in total pounds over this period, much of this decrease could be due to the change in reporting by mining facilities, particularly for arsenic and its compounds. The metal mining sector reported 95% of total disposal or other releases of arsenic and its compounds for 2001 and a decrease of 82% from 2001 to 2008. The hazardous waste management facilities had the largest total disposal or other releases of asbestos during this period.

**Figure 31. Total Disposal or Other Releases, by Chemical, 2001-2008: TRI Chemicals with RSEI Cancer Toxicity Weights**



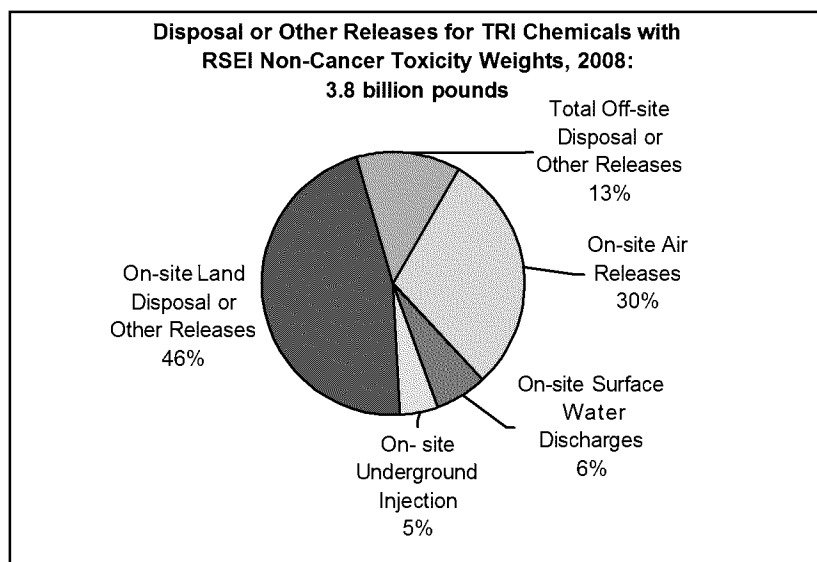
### 3. RSEI Non-Cancer Toxicity Weighting

#### a) What are the results for 2008?

Total disposal or other releases for the 337 TRI chemicals reported on for 2008 with RSEI toxicity weights for non-cancer health effects was 3.8 billion pounds. (Figure 32.)

- 46% was on-site land disposal or other releases, including
  - ▶ 19% in non-RCRA Subtitle C surface impoundments
  - ▶ 16% in other land disposal (such as waste piles, spills or leaks) and
- 30% was on-site air releases
- 13% was sent off-site primarily to land disposal or other releases, including
  - ▶ 7% to non-RCRA Subtitle C landfills and
  - ▶ 2% to RCRA Subtitle C landfills
- 6% was on-site surface water discharges
- 5% was in on-site underground injection wells

**Figure 32. Disposal or Other Releases for TRI Chemicals with RSEI Non-Cancer Toxicity Weights, 2008**



When RSEI toxicity weights for non-cancer health effects are applied for 2008, three chemicals accounted for 80% of the total toxicity weighted pounds.

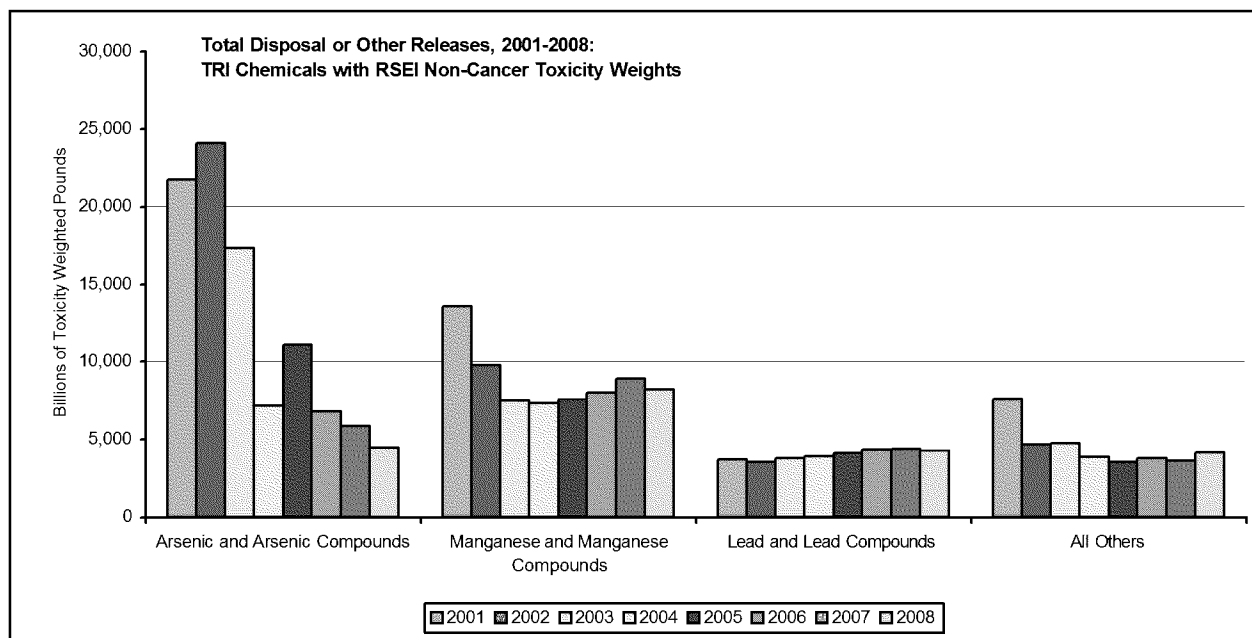
- Manganese and its compounds accounted for 39% of total disposal or other releases weighted by RSEI toxicity values for non-cancer effects.
  - ▶ Manganese and its compounds has a relatively high toxicity weight (36,000 inhalation toxicity weight) but also had large amounts reported, ranking sixth for total disposal or other releases (not weighted), among TRI chemicals with RSEI toxicity weights.
  - ▶ In 2008, disposal or other releases consisted of 30% in on-site and 22% in off-site non-RCRA Subtitle C landfills and 19% in on-site non-RCRA surface impoundments.
- Arsenic and its compounds accounted for 21% of total disposal or other releases weighted by RSEI toxicity values for non-cancer effects. The second largest for non-cancer toxicity weighted pounds as it is for cancer toxicity weighted pounds.
  - ▶ Arsenic and its compounds has a relatively high toxicity weight (60,000 inhalation toxicity weight for non-cancer effects) but also had large amounts reported, ranking thirteenth for total disposal or other releases (not weighted), among TRI chemicals with RSEI toxicity weights.
  - ▶ In 2008, disposal or other releases consisted of 81% in on-site non-RCRA Subtitle C surface impoundments and 8% in on-site other land disposal (such as waste piles, leaks and spills).
- Lead and its compounds accounted for 20% of total disposal or other releases weighted by RSEI toxicity values for non-cancer effects.
  - ▶ Lead and its compounds ranks high because it had the second largest total disposal or other releases (not weighted), among TRI chemicals with RSEI toxicity weights.
  - ▶ In 2008, disposal or other releases consisted of 60% in on-site other land disposal (such as waste piles, leaks and spills) and 28% in on-site non-RCRA Subtitle C surface impoundments.

**b) What were the changes in toxicity weighted pounds from 2007 to 2008 and from 2001 to 2008?**

Comparing the nationally aggregated total toxicity weighted pounds of disposal or other releases using the RSEI non-cancer toxicity weights to years past shows that (Figure 33):

- For 2007 to 2008, there was a **decrease** of 7% using RSEI non-cancer toxicity weighted pounds, for TRI chemicals with RSEI non-cancer toxicity weights. The change in pounds for the same group of TRI chemicals (those with RSEI non-cancer toxicity weights) was a **decrease** of 6%.
- For 2001 to 2008, there was a **decrease** of 55% using RSEI non-cancer toxicity weighted pounds, for TRI chemicals with RSEI non-cancer toxicity weights.
  - ▶ The change in pounds for the same group of TRI chemicals (those with RSEI non-cancer toxicity weights) was a **decrease** of 31%.
  - ▶ As with the large decrease in total pounds over this period, much of this decrease could be due to the change in reporting by mining facilities.
    - For arsenic and its compounds, the metal mining sector reported 95% of total disposal or other releases for 2001 and a **decrease** of 82% from 2001 to 2008.
    - For manganese and its compounds, the metal mining sector reported 52% of total disposal or other releases for 2001 and a **decrease** of 82% from 2001 to 2008.
  - ▶ However, for lead and its compounds, the metal mining sector reported 78% of total disposal or other releases for 2001 and an **increase** of 25% from 2001 to 2008, representing 85% of the total for 2008. Both the hazardous waste management facilities and the primary metals sector had substantial decreases in lead and its compounds from 2001 to 2008. Hazardous waste facilities had an overall **decrease** of 39% and the primary metals sector **decrease** was 24%.

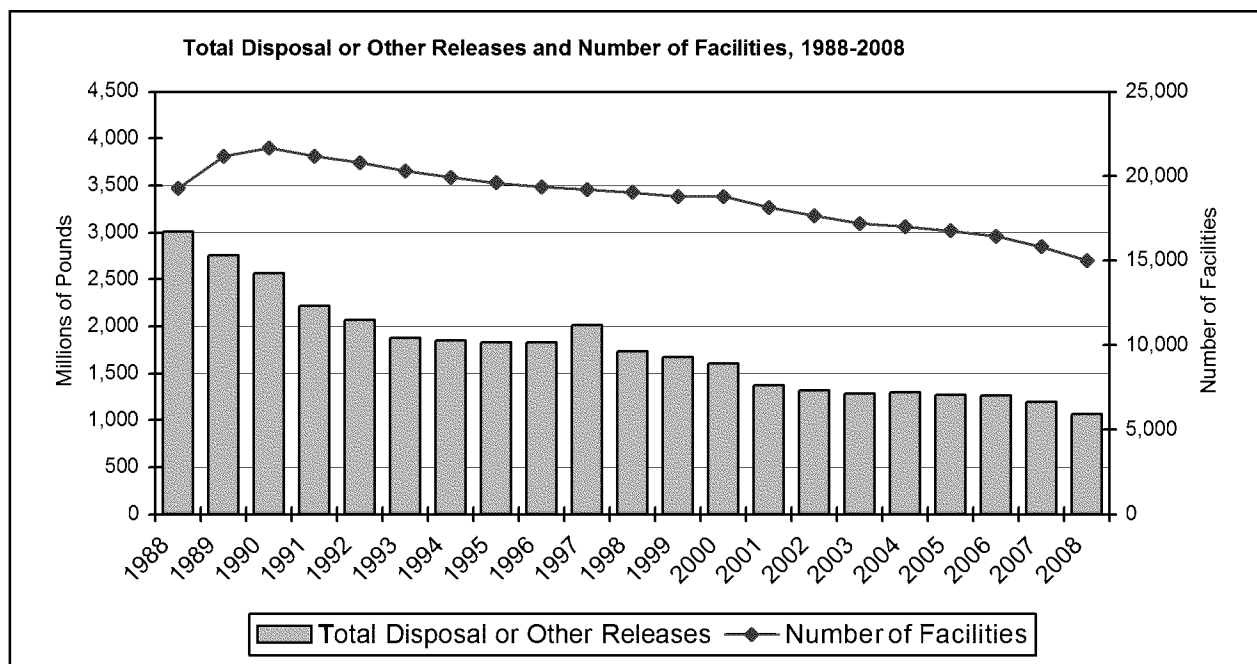
**Figure 33. Total Disposal or Other Releases, 2001-2008: TRI Chemicals with RSEI Non-Cancer Toxicity Weights**



## VI. TRI Data, 1988-2008

Looking at trends in the industries and chemicals that have been reported consistently since 1988, total on- and off-site disposal or other releases of TRI chemicals **decreased** by 65% (1.94 billion pounds). The number of facilities reporting to TRI **decreased** by 22% over that same time period. This decrease only takes into consideration the 1988 core set of chemicals and industry sectors (i.e., those chemicals/industry sectors that have been on the TRI list and have had the same reporting definition since 1988). (Figure 34.)

**Figure 34. Total Disposal or Other Releases and Number of Facilities, 1988-2008**



Note: Data are from TRI Form, Sections 5 (all parts) and 6.1 (metals and metal compounds only) and 6.2 (Disposal codes only and metals and metal compounds reported under codes M40 and M61). Does not include delisted chemicals, chemicals added in 1990, 1994 and 1995, aluminum oxide, ammonia, hydrochloric acid, PBT chemicals, sulfuric acid, vanadium and vanadium compounds. For the years 1998 and after, does not include industries, other than manufacturing industries, that are required to report for 1998 and later years only. Data as of December 2009.



**2008 TRI National Analysis Q's and A's**

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**2008 TRI NATIONAL ANALYSIS Q'S AND A'S**

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# Transport Rule Options Briefing for the Administrator

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Office of Air and Radiation

December 10, 2009

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# Appendix

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# Transport Rule Overview Briefing for the Administrator: Introduction

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Office of Air and Radiation  
December 10, 2009

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# United States Senate

WASHINGTON, DC 20510

December 10, 2009

President Barack Obama  
The White House  
1600 Pennsylvania Ave, NW  
Washington, DC 20500

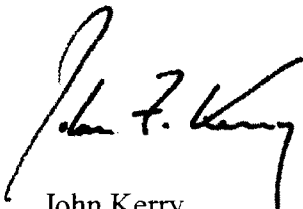
Dear Mr. President:

Over the past month, we have been working together to develop consensus on a comprehensive pollution reduction and energy independence plan. Support is building to simultaneously create jobs, protect our national security interests and improve our environment. As you depart for Copenhagen, we wanted to provide an assessment of where we see the debate heading in the United States Senate.

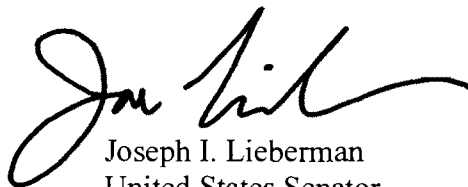
From the longest serving member in the history of Congress, Senator Robert Byrd, to James Murdoch, a senior officer of News Corporation, to General Anthony Zinni, former U.S. CENTCOM Commander, Americans are uniting to say that now is the time to address climate change and secure our energy independence. We are heeding these voices and intend to combine the very best ideas from the public and private sectors and from across the ideological spectrum to achieve the structurally simplest, most economically responsible and environmentally effective result possible.

Our discussions have led us to develop a basic framework for climate action, which is attached for your consideration. We look forward to working with you in the coming months to enact comprehensive pollution reduction and energy independence legislation.

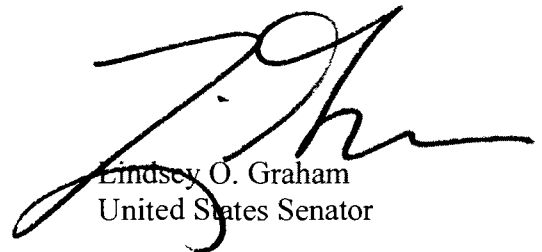
Sincerely,



John Kerry  
United States Senator



Joseph I. Lieberman  
United States Senator



Lindsey O. Graham  
United States Senator

## **Framework for Climate Action and Energy Independence in the U.S. Senate**

Carbon pollution is altering the earth's climate. The impacts have already been seen and felt throughout our country and around the world. Monday's endangerment finding by the Environmental Protection Agency (EPA) underscores the importance of Congressional action to address greenhouse gas emissions before the EPA moves unilaterally.

This document outlines the principles and guidelines that will shape our ongoing efforts to develop comprehensive climate change and energy independence legislation. It is a starting point, inviting our colleagues' constructive input.

Our efforts seek to build upon the significant work already completed in Congress. Earlier this year, the Senate Energy and Natural Resources Committee passed bipartisan legislation that will instruct our efforts to promote and achieve energy security. Important work to reduce carbon emissions has taken place in the Senate Environment and Public Works Committee, which additionally informs us. We also anticipate consideration of issues related to climate change by the Senate Finance, Commerce, and Agriculture Committees.

It is critical to emphasize that this framework is a work in progress. We will continue to engage with our constituents, colleagues in the Senate, and stakeholders outside Washington in our effort to build a consensus that will lead to the passage of comprehensive climate and energy legislation. The only way to succeed is through ongoing engagement and an honest effort to put all ideas on the table.

**Better jobs, cleaner air.** Our legislation will contain comprehensive pollution reduction targets that are both environmentally significant and achievable. It is our belief that a market-based system, rather than a labyrinth of command-and-control regulations, will allow us to reduce pollution economically and avoid the worst impacts of global climate change. It will also provide significant transition assistance to companies and consumers without using taxpayer dollars or driving up the national debt. We believe a near term pollution reduction target in the range of 17 percent below 2005 emissions levels is achievable and reasonable, as is a long term target of approximately 80 percent below 2005 levels. Finally, we believe a robust investment in the development and deployment of clean energy technologies will ensure that as pollution reduction targets become more rigorous, companies will be better equipped to meet their obligations in a cost effective manner.

Many business leaders have endorsed this approach. Just last week, David Cote, the CEO of Honeywell, as well as other business leaders, persuasively argued that setting a price on carbon would create demand for clean energy technologies and provide a tremendous opportunity for economic growth and job creation in America. He said: "There will be no jobs created without demand. This legislation would stimulate the demand for energy efficiency products and services and low carbon sources of energy. China and India are stimulating their domestic demand for these products and technologies much more aggressively than we are and will take the global competitiveness lead unless we act. Cap and trade enables businesses to use the market to most effectively and efficiently develop that 21<sup>st</sup> century global competitiveness." Mr. Cote's words have been echoed by other American business leaders including Jim Rogers, CEO of Duke Energy, who has said, "the sooner we pass climate change legislation – the better off our

economy, and the world's environment – will be. If we go about it the right way, we can not only avoid unnecessary economic harm and dislocation, but we can also ignite a lower carbon, green revolution and more rapidly put this recession in our rear view mirror.”

**Securing energy independence.** We find ourselves more dependent on foreign oil today than any other time in our nation's history, and that is unacceptable. Every day, we spend nearly \$1 billion to sustain our addiction to foreign energy sources – and we ship Americans' hard earned dollars overseas, some of which finds its way to extremist or terrorist organizations. Presidents and politicians have bemoaned this fact for decades; and now is the moment when we can – and must – break that habit. By spurring the development and deployment of new clean energy technologies and increasing our supply of domestically produced oil and natural gas on land and offshore, our legislation will ensure America's energy security. We will do so in a way that sends money back to the states that opt to drill and also provides new federal government revenues to advance climate mitigation goals. We will also encourage investments in energy efficiency because we believe that consuming less power will help keep energy bills down and simultaneously extend the life of our domestic energy resources. Finally, maintaining the ability to refine petroleum products in the United States is a national security priority. It is our belief that we can preserve our refining capacity without sacrificing our environmental goals. If energy independence is to be a priority, we must keep the entire energy cycle right here at home.

**Creating regulatory predictability.** By failing to legislate, Congress is ceding the policy reins to the EPA and ignoring our responsibility to our constituents. We are working with our colleagues, the Administration and outside stakeholders to strike a sensible balance and determine the appropriate way to provide regulatory predictability. We agree that providing the business community as much certainty as possible is essential to attract investment, create jobs and generate the confidence necessary to reach our goals. The absence of national greenhouse gas emissions standards has invited a patchwork of inconsistent state and regional regulations. Since it is not reasonable to expect businesses to comply with fifty different standards, it is imperative that a federal pollution control system be meaningful and be set by federally elected officials.

**Protecting consumers.** It is critical to provide transitional assistance to households and businesses to ease the shift to a low-carbon economy. We will provide support to help companies meet their compliance obligations and avoid driving up prices for energy consumers. We will include special protections for low- and middle-income Americans, who spend a disproportionately large amount of their income on energy. We are considering a number of mechanisms, including a price collar and strategic reserve, to moderate the price of carbon and prevent extreme market volatility while maintaining the environmental integrity of the pollution reduction program. Additionally, we support energy efficiency programs to help reduce energy bills long into the future.

**Encouraging nuclear power.** Additional nuclear power is an essential component of our strategy to reduce greenhouse gas emissions. We strongly support incentives for renewable energy sources such as wind and solar, but successful legislation must also recognize the important role for clean nuclear power in our low-emissions future. America has lost its nuclear technology manufacturing base, and we must rebuild it in order to compete in the global

marketplace. Our legislation will encourage the construction of new nuclear power plants and provide funding to train the next generation of nuclear workers. We will make it easier to finance the construction of new nuclear power plants and improve the efficiency of the licensing process for traditional as well as small modular reactors, while fully respecting safety and environmental concerns. In addition, we support the research and development of new, safe ways to minimize nuclear waste. We are working with our colleagues to create incentives for low-carbon power sources, including nuclear, that will complement the Energy and Natural Resource Committee's work to incentivize renewable electricity.

**Ensuring a future for coal.** Our country has plentiful, accessible coal resources and infrastructure. It is a key component of our current fuel mix. As Senator Byrd pointed out in a recent op-ed, "No deliberate effort to do away with the coal industry could ever succeed in Washington because there is no available alternative energy supply that could immediately supplant the use of coal for base load power generation in America." He also acknowledged that, "to deny the mounting science of climate change is to stick our heads in the sand and say 'deal me out'... The truth is that some form of climate legislation will likely become public policy because most American voters want a healthier environment." We agree with both statements. However, due to current regulatory uncertainty, it is increasingly challenging to site new coal facilities, and utilities are switching to other fuel sources. Earlier this month, an electric utility in North Carolina announced its plans to take 11 existing coal facilities out of operation. Coal's future as part of the energy mix is inseparable from the passage of comprehensive climate change and energy legislation. We will commit significant resources to the rapid development and deployment of clean coal technology, and dedicated support for early deployment of carbon capture and sequestration.

**Reviving American manufacturing by creating jobs.** Manufacturing is the backbone of our nation's economy, and we refuse to believe that the days of American leadership are behind us. Despite some initial success stories, such as North Dakota's 30 percent growth in clean energy jobs in the last decade, the United States is falling behind. Successful climate legislation will not send existing jobs overseas. Rather, pricing carbon will drive innovation – creating new opportunities for those who develop clean energy technologies, as well as those who build, install, and maintain them. We plan to provide significant assistance to manufacturers to avoid carbon leakage and ensure the continued competitiveness of American-made goods. Our legislation will also provide financial incentives to both large and small manufacturers to improve the efficiency of their processes, which will mean even more new jobs. In addition to employing thousands in the building trades, our envisioned development of nuclear and wind power will also mean jobs and growth for our steel industry. It is time to regain our leadership and create the jobs of the future here in America.

**Creating wealth for domestic agriculture and forestry.** While emissions from agriculture will not be regulated, climate legislation will provide farmers with new opportunities to benefit from reducing their carbon emissions. Offset projects and other incentives will enable farmers to develop new income streams, as environmentally-friendly farming practices dramatically increase in value once a price is placed on carbon. According to USDA Secretary Vilsack, "the economic opportunities for farmers and ranchers can potentially outpace, perhaps significantly, the costs from climate legislation." In addition, a new USDA study released last week shows that

this can be accomplished without an appreciable rise in food prices. While we are still discussing the details of the offset program with our colleagues, we have reached agreement that we will include significant amounts of real, monitored and verified domestic and international offsets and other incentives in our system in order to contain costs and create opportunities for farmers, ranchers and forest owners to benefit from climate change legislation.

**Regulating the carbon market.** We will support vigilant carbon market oversight, real-time transparency, adequate settlement requirements to control risk in the market and strong quality controls to ensure maximum effectiveness and clarity. We will not stand for market abuse or manipulation, and we believe it is essential that any comprehensive emissions reduction strategy include provisions to ensure openness and accountability within the carbon market.

**Climate change is a global problem that requires a global solution.** Ultimately, climate change must be addressed through a strong international agreement that includes real, measurable, reportable, verifiable and enforceable actions by all nations. American leadership is essential, but action by the developing world is necessary to maximize the benefits of our effort. To this end, we acknowledge the role the United States can play to help provide long-term financing to assist developing countries adapt to climate change, generate energy cleanly and reduce emissions from deforestation. Additional private climate finance provided through international offsets has the added benefit of reducing costs for American consumers. As we work collectively with other countries to reduce global emissions, we agree with nine of our colleagues who wrote earlier this month: “enhanced technology cooperation will benefit the United States but must be coupled with strong protections for intellectual property rights.” Finally, we will include strong measures that are compatible with our obligations under the World Trade Organization to prevent our economic competitors from exploiting the American market if they shirk their responsibility to minimize carbon pollution.

**Building consensus.** We intend to continue to engage our Senate colleagues in the weeks ahead to develop sensible, effective climate change legislation that will create jobs, ensure our energy independence, restore America to a position of leadership in the clean energy economy and reduce pollution. We are inspired by the years of work that have already been done and we hope both to build on those efforts and to devise new, innovative ideas for resolving some of the issues that have long blocked the passage of a climate change bill in the Senate. Every perspective is valuable and we invite all of our colleagues, stakeholders and constituents to join us in this effort to find consensus. Together, we can and will pass climate change and energy independence legislation this Congress.



# United States Senate

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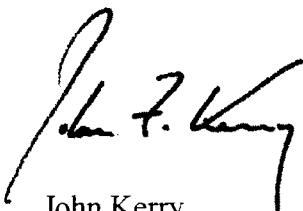
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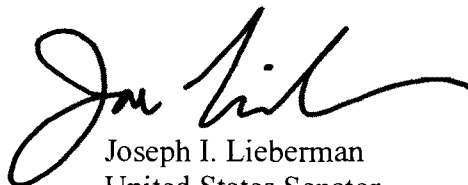
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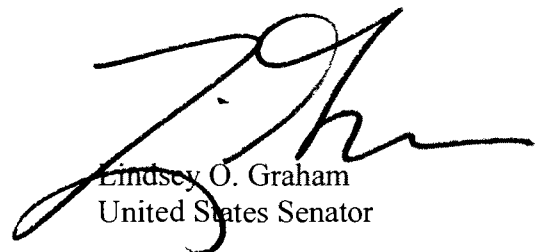
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**Ensuring a future for coal.** Our country has plentiful, accessible coal resources and infrastructure. It is a key component of our current fuel mix. As Senator Byrd pointed out in a recent op-ed, "No deliberate effort to do away with the coal industry could ever succeed in Washington because there is no available alternative energy supply that could immediately supplant the use of coal for base load power generation in America." He also acknowledged that, "to deny the mounting science of climate change is to stick our heads in the sand and say 'deal me out'... The truth is that some form of climate legislation will likely become public policy because most American voters want a healthier environment." We agree with both statements. However, due to current regulatory uncertainty, it is increasingly challenging to site new coal facilities, and utilities are switching to other fuel sources. Earlier this month, an electric utility in North Carolina announced its plans to take 11 existing coal facilities out of operation. Coal's future as part of the energy mix is inseparable from the passage of comprehensive climate change and energy legislation. We will commit significant resources to the rapid development and deployment of clean coal technology, and dedicated support for early deployment of carbon capture and sequestration.

**Reviving American manufacturing by creating jobs.** Manufacturing is the backbone of our nation's economy, and we refuse to believe that the days of American leadership are behind us. Despite some initial success stories, such as North Dakota's 30 percent growth in clean energy jobs in the last decade, the United States is falling behind. Successful climate legislation will not send existing jobs overseas. Rather, pricing carbon will drive innovation – creating new opportunities for those who develop clean energy technologies, as well as those who build, install, and maintain them. We plan to provide significant assistance to manufacturers to avoid carbon leakage and ensure the continued competitiveness of American-made goods. Our legislation will also provide financial incentives to both large and small manufacturers to improve the efficiency of their processes, which will mean even more new jobs. In addition to employing thousands in the building trades, our envisioned development of nuclear and wind power will also mean jobs and growth for our steel industry. It is time to regain our leadership and create the jobs of the future here in America.

**Creating wealth for domestic agriculture and forestry.** While emissions from agriculture will not be regulated, climate legislation will provide farmers with new opportunities to benefit from reducing their carbon emissions. Offset projects and other incentives will enable farmers to develop new income streams, as environmentally-friendly farming practices dramatically increase in value once a price is placed on carbon. According to USDA Secretary Vilsack, "the economic opportunities for farmers and ranchers can potentially outpace, perhaps significantly, the costs from climate legislation." In addition, a new USDA study released last week shows that

this can be accomplished without an appreciable rise in food prices. While we are still discussing the details of the offset program with our colleagues, we have reached agreement that we will include significant amounts of real, monitored and verified domestic and international offsets and other incentives in our system in order to contain costs and create opportunities for farmers, ranchers and forest owners to benefit from climate change legislation.

**Regulating the carbon market.** We will support vigilant carbon market oversight, real-time transparency, adequate settlement requirements to control risk in the market and strong quality controls to ensure maximum effectiveness and clarity. We will not stand for market abuse or manipulation, and we believe it is essential that any comprehensive emissions reduction strategy include provisions to ensure openness and accountability within the carbon market.

**Climate change is a global problem that requires a global solution.** Ultimately, climate change must be addressed through a strong international agreement that includes real, measurable, reportable, verifiable and enforceable actions by all nations. American leadership is essential, but action by the developing world is necessary to maximize the benefits of our effort. To this end, we acknowledge the role the United States can play to help provide long-term financing to assist developing countries adapt to climate change, generate energy cleanly and reduce emissions from deforestation. Additional private climate finance provided through international offsets has the added benefit of reducing costs for American consumers. As we work collectively with other countries to reduce global emissions, we agree with nine of our colleagues who wrote earlier this month: “enhanced technology cooperation will benefit the United States but must be coupled with strong protections for intellectual property rights.” Finally, we will include strong measures that are compatible with our obligations under the World Trade Organization to prevent our economic competitors from exploiting the American market if they shirk their responsibility to minimize carbon pollution.

**Building consensus.** We intend to continue to engage our Senate colleagues in the weeks ahead to develop sensible, effective climate change legislation that will create jobs, ensure our energy independence, restore America to a position of leadership in the clean energy economy and reduce pollution. We are inspired by the years of work that have already been done and we hope both to build on those efforts and to devise new, innovative ideas for resolving some of the issues that have long blocked the passage of a climate change bill in the Senate. Every perspective is valuable and we invite all of our colleagues, stakeholders and constituents to join us in this effort to find consensus. Together, we can and will pass climate change and energy independence legislation this Congress.



FOR IMMEDIATE RELEASE  
DECEMBER 14, 2009

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### Media Advisory

WASHINGTON, D.C. – U.S. Sen. Lisa Murkowski, R-Alaska, is scheduled to speak on the Senate floor at **3:30 p.m. today** in opposition to the Environmental Protection Agency's endangerment finding. Murkowski will announce her plan to introduce a disapproval resolution to veto EPA regulation of greenhouse gases under the Clean Air Act.

A copy of her floor speech will be made available immediately following her remarks.

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Visit our website at <http://energy.senate.gov/public/>*



THE WHITE HOUSE

Washington

December 15, 2009

MEMORANDUM FOR THE PRESIDENT

FROM THE VICE PRESIDENT

SUBJECT: Progress Report: The Transformation to A Clean Energy Economy

I'm pleased to report that the administration is laying the foundation for a clean energy economy that will create a new generation of jobs, reduce dependence on oil and enhance national security. Through the Recovery Act and more effective use of programs already in existence, the administration is taking the critical steps to transform the United States into a global clean energy leader.

The energy components of the Recovery Act represent the largest single investment in clean energy in American history and are leveraging private investment and fostering American innovation and ingenuity. The Recovery Act investments of \$80 billion for clean energy will produce as much as \$150 billion in clean energy projects.<sup>1</sup> Existing investment programs could produce up to \$90 billion in additional clean energy projects.<sup>2</sup> These investments are designed to accelerate investment in clean energy projects and pull private investment off the sidelines. They are jumpstarting a major transformation of our energy system including unprecedented growth in the generation of renewable sources of energy, enhanced manufacturing capacity for clean energy technology, advanced vehicle and fuel technologies, and a bigger, better, smarter electric grid.

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<sup>1</sup> This includes Recovery Act appropriations across all government agencies. It includes appropriations, federal loans, and tax incentives.

<sup>2</sup> This figure represents the estimated project value if all the existing authority for the DOE loan guarantee program is used. The estimate includes Title 17 loan guarantee authority for energy efficiency, renewable energy (\$18.5 billion), fossil energy (\$8 billion) and nuclear (\$20.5 billion for both reactors and front-end), and Section 136 Advanced Vehicle Technology Manufacturing loans (\$25 billion). Typically, projects require a minimum 20% equity share.

## Renewable Energy

Recovery Act investments in renewable generation and advanced energy manufacturing of \$23 billion will likely create 253,000 jobs and leverage over \$43 billion in additional investment that could support up to 469,000 more jobs,<sup>3</sup> putting us on track to meet the goal of doubling our renewable energy generation, including solar, wind and geothermal, in just 3 years.

By the end of next year we will have made commitments to support more than 15 GW of new wind, solar and geothermal and other renewable energy—enough renewable energy to power 4-5 million homes per year. According to New Energy Finance, there are more and greater private investments in wind than would have been possible without Recovery Act funding.<sup>4</sup>

At the same time, we are increasing our capacity to make the wind turbines, solar panels and other renewable energy components here in America. Recovery Act investments of up to \$2.3 billion for advanced energy manufacturing facilities will likely generate 17,000 jobs. This investment will be matched by as much as \$5.4 billion in private sector funding likely supporting up to 41,000 additional jobs and up to two hundred advanced energy manufacturing projects, including solar, wind, and biomass, putting us on track to double our capacity to manufacture these components by 2012.<sup>5</sup>

For too long, there have been too many obstacles to siting renewables generation projects on federal lands. Nine federal agencies with authority over the siting process on federal lands have signed an MOU to designate a lead agency to run point on all federal authorizations and streamline process. The agencies estimate that this will cut permit times by up to a third.

To cut red tape, and speed approval of project applications, the Department of Interior has set up renewable energy coordinating offices and support teams across the West. Already, DOI has fast-tracked 30 renewable energy projects on federal lands, projects that will create thousands of jobs by December 2010. For solar, DOI is maximizing opportunities for new generation by setting aside over one thousand square miles of public lands for potential solar energy development. To tap abundant offshore wind resources, DOI has established a program in coordination with the Federal Energy Regulatory Commission to grant leases, easements, and rights-of-way for renewable energy projects on the Outer Continental Shelf.

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<sup>3</sup> All of the job estimates used in this document correspond to jobs that last for one year. Of course, some jobs could last longer – in this case the number of distinct jobs would be reduced proportionately. For example, a project that employs one person for two years would count as creating two jobs. The estimate is based on \$23.4 billion in federal funds and \$43.3 billion in leveraged funds.

<sup>4</sup> Denise Bode, American Wind Energy Association. Industry has made it clear that the grant program has been the key to unlocking financing for wind in recent months. As reported in E&E Daily: At the AWEA Finance & Investment Workshop on October 14th, John Eber, managing director of energy investments at J.P. Morgan Capital Corp., said wind developers can attract debt backing of 40 to 50 percent of total project costs without a federal grant. The grant lets projects get built with 70 to 80 percent support from debt.

<sup>5</sup> The job estimate is based on projections from Treasury of a reduction of \$1.6 billion in federal receipts and \$3.8 billion in leveraged funds.



Renewable Energy	Where we were on January 1, 2009	Where we are headed by 2012
Gigawatts of renewable energy	27.8 GW	Meet or exceed 55.6 GW
Renewable Manufacturing Capacity	6 GW	Meet or exceed 12 GW

## Vehicles and Fuels of the Future

The Federal Government, partnering with industry, has already committed to invest up to \$16 billion in projects that will transform the transportation sector, including plug-in hybrids, all-electric vehicles and the infrastructure needed to power them, as well as new clean fuels. Over the next six years, three new electric vehicle plants—the first ever in the U.S.—and 30 new battery and other electric vehicle manufacturing plants will be fully operational.<sup>6</sup> These plants will have capacity to produce 250,000 electric drive cars and batteries to power 500,000 plug-in hybrid electric vehicles. We are also building the infrastructure to support these vehicles including construction of more than 10,000 charging locations in more than twelve cities.

At the same time, Recovery Act investments will provide the next generation of biofuels—clean, renewable and domestically-produced fuel to power our vehicles. The federal Renewable Fuels Standard requires biofuels production to grow from 9 billion gallons now to 36 billion gallons in 2022, with 21 billion gallons to come from advanced biofuels. Over \$600 million in Recovery Act grants —expected to be matched more than dollar for dollar by private funds — along with Federal loan guarantees, will support 19 pilot, demonstration, and commercial-scale bio-refineries.<sup>7</sup> These facilities will convert various forms of biomass into fuels and chemicals that otherwise would be produced from oil, while creating jobs and raising farm incomes in rural communities across the U.S. Before these investments, the development of an advanced biofuels industry was at a virtual standstill as numerous facilities at the pilot stage had faltered during the economic downturn as credit markets tightened.

<sup>6</sup> Before the Recovery Act, there was no factory that produced electric cars at scale (more than 1,000 vehicles a year). Two advanced battery component factories were located in Noblesville, ID and San Carlos, CA.

<sup>7</sup> The over \$600 million investment for biorefineries includes up to \$564M of DOE Recovery Act grants and a \$54.5M loan guarantee from USDA, both announced on December 4, 2009.

Vehicles of the Future	Where we were on January 1, 2009	Where we are headed by 2015
Number of electric vehicle factories in the US	0	3 factories
Advanced Battery Manufacturing Capacity	Negligible	Enough advanced battery manufacturing capacity to support 500,000 Plug-in Hybrid Electric Vehicles a year
Number of Advanced Battery and electric drive component factories in the US	2	30 factories
EV Charging Locations	Less than 500	More than 10,000
Number of Advanced Biofuel Refineries	0 commercial scale refineries	19 pilot, demonstration, and commercial scale refineries by 2012
Average Fleet Fuel Economy	25.1 mpg Uncertainty around three national standards	27.3 mpg by end of 2010 Proposed harmonized standards of 35.5 mpg by 2016

## Grid Modernization

The transition to a clean energy economy will result in a transformation not only in how we produce and transport energy, but in how we use it. It will result in a future in which smart appliances can make decisions about when to turn on and off and consumers can program their homes to use energy most efficiently. It will result in a grid that can detect outages before they happen, and re-route power where it is needed. The \$4 billion in Recovery Act smart grid investments will likely result in 43,000 new jobs, and be matched more than one-to-one by private sector funding that could support up to 61,000 additional jobs on smart grid projects that will reduce cost, increase reliability and give consumers more choice and control over their energy use.<sup>8</sup> An analysis by EPRI estimates that the implementation of smart grid technologies could reduce electricity usage by more than 4% by 2030. That would mean annual utility bill savings of \$20.4 billion for businesses and consumers around the country. It will also help add renewable energy resources to the grid, and give consumers more information and control over their energy use.

<sup>8</sup> The job estimate is based on \$4 billion in federal funds and \$5.7 billion in leveraged funds.

With Recovery Act funds we will invest, along with industry, in the installation of 18 million smart meters (more than double the number of smart meters currently in service) which should allow homeowners to monitor energy use by the month, week, or even hour. By 2015, we expect a combination of public and private investment to produce 40 million smart meters. Along with industry, we are also funding the installation of 877 sensors on the electric transmission system to improve reliability and security. This is five and half times the 160 sensors in place when we took office and will provide visibility across the entire U.S. transmission system.

Smart Grid	Where we were on January 1, 2009	Where we are headed by 2013
Homes with Smart Meters	8 million	26 million by 2013, headed to 40 million by 2015
Sensors installed to monitor grid conditions	160 sensors installed Incomplete grid coverage	877 sensors installed Visibility across the entire U.S. transmission system <sup>9</sup>

## Energy Efficiency

The Administration is making the largest single investment in home energy efficiency in U.S history. We are on track to weatherize the homes of half a million low income Americans through retrofits by the end of next year. Over the next several years, federal investments will help millions of American families cut their utility bills by making their homes and appliances more energy efficient. The Recovery Act expanded tax credits for energy efficiency upgrades to cover 30% of the cost up to \$1,500. (For example, for a \$1,600 investment to improve the insulation of a home's roof, a homeowner will receive a \$480 tax credit, and could save up to \$150 on utility bills each year.) Under the Recovery Act, DOE has also launched an innovative new effort called "Retrofit Ramp Up" that, together with Recovery Through Retrofit, will simplify and reduce the cost of home retrofits by funding pioneering programs that reach whole neighborhoods and towns. For low-income families that are hit hardest by high utility bills, the \$5 billion Weatherization Assistance Program from the Recovery Act is providing funding and technical assistance to local agencies to perform home energy audit and weatherization services, to increase efficiency and reduce energy costs.

We are also setting long overdue standards for everyday appliances like refrigerators, microwaves and washer/dryers. About two dozen standards will be finalized over the next few years. We are setting an average of six standards per year, compared to just one per year when we took office. The combined

<sup>9</sup> Coverage includes the North American high voltage transmission system.

annual savings of these standards is expected to total up to 4% of total US energy consumption in 2030 and carbon dioxide emission reductions equivalent to the output of 30 coal fired power plants.

Energy Efficiency	Where we were on January 1, 2009	Where we are headed by 2012
Home Energy Efficiency Retrofits	100,000 per year	1 million <sup>10</sup>
Average Number of Appliance Standards set per year	1 per year (2001-2008)	6 per year (2009-2012)

## Carbon Capture

We will lead the world in clean coal technology. With Recovery Act funding and existing loan guarantee authority, we are investing over \$10 billion in CCS projects, which will secure at least an additional \$4 billion in private funds to produce \$14 billion of public-private investment in clean coal technology. These investments will support carbon capture facilities of a sufficient scale that, once demonstrated, can be replicated and deployed into commercial practice within the electric power industry.

Carbon Capture	Where we were on January 1, 2009	Where we are headed by 2015
Number of commercial scale power plants operating with large CCS facilities	0	5
Tons of carbon dioxide sequestered per year	Negligible	Over 12 million tons per year <sup>11</sup>

## Nuclear Power

By the end of our first two years in office, we will have provided conditional commitments for loan guarantees for two nuclear power operators to add three to four new nuclear reactors. No new construction permits have been issued for U.S. commercial nuclear power plants since the 1970s.

<sup>10</sup> This will be a result of public and private investment.

<sup>11</sup> Based on projects proposed to DOE for sequestration facilities at both industrial facilities and power plants.

Nuclear Power	Where we were on January 1, 2009	Where we are headed by 2011
Number of new nuclear plants	No new construction permits since the 1970s	Loan guarantees conditionally committed to two nuclear facilities for 3 - 4 new reactors in total

## Science and Innovation

Science and technology must provide the foundation for the clean energy economy. We are restoring US leadership in science and technology so we can lead the global competition in clean technology innovation. In 2010, our budget includes \$12.6 billion in funding for key science agencies to support advanced research and development at our national labs and universities. In addition, using \$400 million in Recovery Act funds we have started the Advanced Research Projects Agency - Energy (ARPA-E) that invests in targeted projects to accelerate the pace of innovation to make advanced energy technologies like energy storage and biofuels dramatically more effective and affordable. This investment includes funds for some of the most advanced research in wind, solar, and geothermal technologies to make these clean sources of energy more efficient and easier to store and transport.

Substantially increasing the share of electricity from wind and solar resources and effectively managing a fleet of electric vehicles will necessitate a transformation of our electric grid. In addition, power outages on today's grid cost Americans \$150 billion per year. Our investments in science and technology position us to make dramatic leaps in energy storage technology such as research at MIT for batteries that store enough power for a whole neighborhood at less than a tenth of their current cost. This kind of breakthrough would allow us to increase the reliability of the grid, harness the full potential of our abundant renewable resources and use them to power our homes and cars.

Currently, 95% of the fuel that powers our cars, trucks, trains and planes comes from oil. Over half of this fuel is imported from overseas and it is the source of over one-third of America's carbon emissions. Even as we deploy the first generation of advanced biofuel facilities to produce fuel here in America, we are also investing in technologies that, if successful, would make biofuels several times cheaper, cleaner and more sustainable. We are also investing in cutting edge technologies to produce gasoline directly from sunlight. If successful, these new technologies could transform transportation.

Science and Innovation	Where we were on January 1, 2009	Where we are headed by 2012
Advanced Research Projects Agency – Energy	\$0	\$400 million (Recovery Act)  Up to 100 high-risk, high reward advanced energy technology research projects



**Attorney Client Privilege/Attorney Work Product**

**Selected State Coal Combustion Products Beneficial Use Programs  
and RCRA “Hazardous Waste”**

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## **State Beneficial Use Program Requirements**

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